

**JUDICIAL COUNCIL OF CALIFORNIA  
ADMINISTRATIVE OFFICE OF THE COURTS**

455 Golden Gate Avenue  
San Francisco, California 94102-3688

**Report Summary**

TO: Members of the Judicial Council

FROM: Family and Juvenile Law Advisory Committee  
Hon. Jerilyn L. Borack and Hon. Susan D. Huguenor, Cochairs  
Tamara Abrams, Senior Attorney, 415-865-7712,  
tamara.abrams@jud.ca.gov

DATE: April 5, 2006

SUBJECT: Domestic Violence (revise forms DV-100, DV-110, DV-126-INFO, DV-130, DV-170, DV-210-INFO, DV-260, DV-500-INFO, DV-510-INFO, DV-520-INFO, DV-530-INFO, DV-540-INFO, DV-550-INFO, DV-720-INFO, FL-105/GC-120, FL-310, FL-341, JV-200, JV-205, JV-245, and JV-250 (Action Required))

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Issue Statement

This domestic violence forms proposal includes implementation of legislative amendments that (1) extend the initial term of a domestic violence protective order from three to five years, (2) provide that an emergency protective order has enforcement precedence over any other protective order under specified circumstances, (3) require the family court, when issuing a custody or visitation order in a case where a criminal protective order is in effect, to reference and acknowledge the precedence of the criminal order in enforcement, (4) prohibit the restrained person from making any effort to determine the address or location of the protected persons, and (5) require the court to transmit data related to filed domestic violence protective orders to California's restraining order registry. The proposed forms also include additional firearms information as a response to a recommendation from the Attorney General's Task Force on Local Criminal Justice Response to Domestic Violence and other technical updates and corrections.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective July 1, 2006, revise the following Judicial Council forms to conform with recent legislative amendments and include additional firearms information as well as technical updates and corrections:

1. DV-100, *Request for Order*;
2. DV-110, *Temporary Restraining Order and Notice of Hearing (CLETS—TRO)*;

3. DV-126-INFO, *How to Reissue a Temporary Restraining Order*;
4. DV-130, *Restraining Order After Hearing (CLETS—OAH)*;
5. DV-170, *Other Orders*;
6. DV-210-INFO, *What Is “Proof of Service”?*;
7. DV-260, *Confidential CLETS Information*;
8. DV-500-INFO, *Can a Domestic Violence Restraining Order Help Me?*;
9. DV-510-INFO, *I Filled Out the Forms—What Now?*;
10. DV-520-INFO, *Get Ready for Your Hearing (For Protected Person)*;
11. DV-530-INFO, *How to Enforce Your Order*;
12. DV-540-INFO, *Information for the Restrained Person*;
13. DV-550-INFO, *Get Ready for Your Hearing (For Restrained Person)*;
14. DV-720-INFO, *How Do I Ask the Court to Renew My Restraining Order?*;
15. FL-105/GC-120, *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)*;
16. FL-310, *Application for Order and Supporting Declaration*;
17. FL-341, *Child Custody and Visitation Order Attachment*;
18. JV-200, *Custody Order—Juvenile—Final Judgment*;
19. JV-205, *Visitation Order—Juvenile*;
20. JV-245, *Application and Affidavit for Restraining Order—Juvenile*; and
21. JV-250, *Restraining Order—Juvenile (CLETS)*.

The proposed forms are attached at pages 14–62.

#### Rationale for Recommendation

The indicated family and juvenile law forms are being amended to reflect changes in the law and to respond to public comment. Each of the proposed changes to the forms is stated below.

*Initial term of protective order increased from three to five years (Fam. Code, §§ 6345 and 6361, as amended by Stats. 2005, ch. 125)*

Assembly Bill 99 raises the maximum duration of an initial domestic violence protective order from three years to five years. However, the expiration date remains three years from the hearing date in cases in which no expiration date is listed on the order. The committee recommends revising forms DV-110, DV-500, and DV-540 to reflect the amended expiration date.

*Emergency protective order has enforcement precedence over a criminal protective order (Pen. Code, § 136.2, as amended by Stats. 2005, ch. 132)*

Revised Penal Code section 136.2 now provides that an emergency protective order has enforcement precedence over any other protective order when the protected and restrained parties are the same in both orders and the emergency protective order is more restrictive than the other order. The committee recommends revising forms DV-110 and DV-130 to reflect the supremacy of the emergency protective order.

*When ordering child custody or visitation, the court issuing such an order must reference and acknowledge the precedence of a criminal protective order (Fam. Code, § 3100; Pen. Code, § 136.2, as amended by Stats. 2005, ch. 465)* AB 118, the legislation amending the codes, provides that a child custody or visitation order, if issued after a criminal protective order, must reference and acknowledge the precedence of enforcement of a criminal protective order. The committee recommends revising forms DV-110, DV-130, FL-105/GC-120, FL-310, FL-341, JV-200, JV-205, and JV-250 to (1) meet the requirement of AB 118, (2) require the parties to provide information that will alert the court about any current domestic violence protective orders in other cases, and (3) delete the references to joint legal and physical custody to address the concern that the forms may be incorrectly interpreted as promoting a preference for joint custody orders.

*Restrained person prohibited from seeking address or location of protected persons or family members (Code Civ. Proc., § 527.10; Fam. Code, §§ 6252.2, 6322.7; Pen. Code, §§ 136.3, 646.91A; and Welf. & Inst. Code, §§ 213.7, 15657.04, added by Stats. 2005, ch. 472)*

The amended codes require a court, when issuing a protective order, also to issue an order prohibiting the restrained person from taking any action to obtain the address or location of a protected party or of his or her family members, caretakers, or guardian unless there is good cause not to make that order. The committee recommends revising forms DV-100, DV-110, DV-130, JV-245, and JV-250 to include, as discretionary orders, the prohibited conduct.

*Court required to transmit data on protective orders to statewide registry within one business day (Fam. Code, § 6380, as amended by Stats. 2005, ch. 631)*

Family Code section 6380 now requires the court to transmit data from Judicial Council forms filed with the court that are related to a domestic violence protective order issued, modified, extended, or terminated under the DVPA to the California Law Enforcement Telecommunications System (CLETS), or to the agency that performs CLETS entry, within one business day of the issuance of the order. The committee recommends revising forms DV-126, DV-210, DV-260, DV-510, DV-530, and DV-720 to delete text instructing the litigant to take a copy of the order to local police for entry in CLETS.

*Firearms information entered on request*

In its report dated June 2005, the Attorney General's Task Force on Local Criminal Justice Response to Domestic Violence recommended that the Judicial Council amend its forms to indicate the number, types, and locations of any firearms in the possession or control of the restrained person. The stated purpose is to assist law enforcement in enforcing firearms prohibitions.

The committee recommends revising form DV-100 to further assist the court in making appropriate protective orders and form DV-260 to allow the protected

person to fill in the number, types, and locations of any guns or firearms. The committee recommends that this form become mandatory, instead of optional.

#### *Other updates and corrections*

Several forms would be amended to reflect legal updates and changes in practice as well as to correct the formatting.

The committee recommends revising the juvenile restraining order and applications to assist the court in making appropriate protective orders and to promote consistent protective order practices between the family and juvenile courts.

#### Alternative Actions Considered

The proposed amendments and revisions (1) are necessary to bring the forms into compliance with governing law, (2) would assist law enforcement in enforcing the mandatory firearms prohibitions, and (3) are recommended to improve public safety and access to the courts. No alternative actions were considered.

#### Comments From Interested Parties

The invitation to comment on the proposal was circulated from December 13, 2005, through January 23, 2006, to the standard mailing list for family and juvenile law proposals, as well as to the regular rules and forms mailing list. This distribution list includes judges, court administrators, attorneys, social workers, probation officers, mediators, and other family and juvenile law professionals. The invitation to comment was also distributed to a mailing list of other court staff and community members who have requested an opportunity to comment on domestic violence forms. The committee received a total of 30 comments. Eleven commentators agreed with the proposal. Seventeen commentators agreed with the proposal if modified and suggested both substantive and technical changes. Two commentators disagreed with the proposal.

The comments are attached at pages 63–97. Excerpts of the referenced legislation are attached at pages 98–101.

#### Implementation Requirements and Costs

Implementation of the forms will require courts to retrain clerks and incur standard reproduction costs.

Attachments

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**Report**

TO: Members of the Judicial Council

FROM: Family and Juvenile Law Advisory Committee  
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Issue Statement

This domestic violence forms proposal includes implementation of legislative amendments that (1) extend the initial term of a domestic violence protective order from three to five years, (2) provide that an emergency protective order has enforcement precedence over any other protective order under specified circumstances, (3) require the family or juvenile court, when issuing a custody or visitation order in a case where a criminal protective order is in effect, to reference and acknowledge the precedence of the criminal order in enforcement, (4) prohibit the restrained person from making any effort to determine the address or location of the protected persons, and (5) require the court to transmit data related to filed domestic violence protective order to California's restraining order registry. The proposed forms also include additional firearms information as a response to a recommendation from the Attorney General's Task Force on Local Criminal Justice Response to Domestic Violence and other technical updates and corrections.

Rationale for Recommendation

Several family and juvenile law forms are being amended to reflect updates in the law and to respond to public comment. Each of the proposed changes to the forms is set forth below.

*Initial term of protective order increased from three to five years (Fam. Code, §§ 6345 and 6361, as amended by Stats. 2005, ch. 125)*

Assembly Bill 99, the legislation amending the codes, raises the maximum duration of an initial domestic violence protective order from three years to five years. However, the expiration date remains three years from the hearing date in cases in which no expiration date is listed on the order.

The committee recommends revising forms DV-110, DV-500, and DV-540 to reflect the amended expiration date.

*Emergency protective order has enforcement precedence over a criminal protective order (Pen. Code § 136.2, as amended by Stats. 2005, ch. 132)*

Assembly Bill 112, the legislation amending the codes, provides that an emergency protective order has enforcement precedence over any other protective order when the protected and restrained parties are the same in both orders and the emergency protective order is more restrictive than the other order.

The committee recommends revising forms DV-110 and DV-130 to reflect the supremacy of the emergency protective order.<sup>1</sup>

*When ordering child custody or visitation, the court issuing such order must reference and acknowledge the precedence of a criminal protective order (Fam. Code §3100 and Pen. Code § 136.2, as amended by Stats. 2005, ch. 465)*

The Judicial Council is required to revise the related forms by July 1, 2006. Current law permits a family or juvenile court order to coexist with a criminal court protective order as long as the family or juvenile court order permitting contact between the restrained person and his or her children provides for the safe exchange of the children and does not contain language that violates a “no contact order” issued by a criminal court. The criminal protective order form has a space for the criminal court to indicate its permission for peaceful contact between the defendant and the protected parties, as specified in a current or future family or juvenile court child custody or visitation order for the purpose of safe exchange of children for visitation.

Assembly Bill 118, the legislation amending the codes, provides that a child custody or visitation order, if issued after a criminal protective order, must reference and acknowledge the precedence of enforcement of a criminal protective order. The committee recommends revising forms DV-110, DV-130, FL-105/GC-120, FL-310, FL-341, and JV-245 to meet the requirement of AB 118, to require

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<sup>1</sup> Form EPO-001, *Emergency Protective Order*, and form CR-160, *Protective Order in Criminal Proceeding*, should be revised to indicate the precedence of a qualified emergency protective order. Those forms are undergoing other revisions and are scheduled to be circulated for public comment in spring 2006.

the parties to provide information that will alert the court about any current domestic violence protective orders in other cases and to delete the references to joint legal and physical custody to address the concern that the forms may be incorrectly interpreted as promoting a preference for joint custody orders. If a criminal protective order exists, its case number, expiration date, and county of issuance can be indicated on the form. The state of issuance is not a field on the form because the amended statute provides that only specified criminal protective orders issued in California have enforcement precedence over other court orders.

The second requirement of the statute, the acknowledgement of the precedence of the criminal protective order, is set forth on form DV-110 at item 30, on form DV-130 at item 26, on form JV-200 at item 11, form JV-205 at item 1c, and on form JV-250 at item 9.

*Restrained person prohibited from seeking address or location of protected persons or family members (Code Civ. Proc., § 527.10, Fam. Code, §§ 6252.5, 6322.7, Pen. Code, §§ 136.3, 646.91A, and Wel. & Inst. Code, §§ 213.7, 15657.04, as added and amended by Stats. 2005, ch. 472)*

The amended codes require a court, when issuing a protective order, also to issue an order prohibiting the restrained person from taking any action to obtain the address or location of a protected party or of his or her family members, caretakers, or guardian unless there is good cause not to make that order. The committee recommends revising forms DV-100, DV-110, DV-130, JV-245, and JV-250 to include, as discretionary orders, the prohibited conduct.<sup>2</sup>

*Court required to transmit data on protective orders to statewide registry within one business day (Fam. Code, § 6380, as amended by Stats. 2005, ch. 631)*

Family Code section 6380 now requires the court to transmit data from Judicial Council forms filed with the court that are related to a domestic violence protective order issued, modified, extended, or terminated under the Domestic Violence Prevention Act (DVPA) to the California Law Enforcement Telecommunications System (CLETS), or to the agency that performs CLETS entry, within one business day of the issuance of the order. The committee recommends revising forms DV-126, DV-210, DV-260, DV-510, DV-530, and DV-720 to delete text instructing the litigant to take a copy of the order to local police for entry in CLETS if the court is unable to do so.

*Firearms information entered on request*

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<sup>2</sup> Informational text on the civil, criminal, and elder abuse protective order forms also should be revised to include the specific statutory requirements. Because those forms are undergoing other revisions they are scheduled to be circulated for public comment with these and other revisions in spring 2006.

In its report dated June 2005, the Attorney General's Task Force on Local Criminal Justice Response to Domestic Violence (task force), recommended that the Judicial Council amend its DVPA request form (DV-100, *Request for Order*) to require that the person seeking a protective order indicate the number, types, and locations of any firearms in the possession or control of the restrained person. The stated purpose is to assist law enforcement in enforcing firearms prohibitions.

However, form DV-100 is not entered in CLETS, and most law enforcement officers do not read it because it is not a court order. Staff and the committee believe that a more logical location for the information is form DV-260, *Confidential CLETS Information*. That form contains important CLETS entry information, allowing the entering agency to notify law enforcement about existing firearms. The committee recommends revising form DV-100 to assist the court in making appropriate protective orders, and Form DV-260 to allow the protected person to fill in the number, types, and locations of any guns or firearms. The committee recommends that this form become mandatory, instead of optional.

#### *Other updates and corrections*

Several forms would be amended to reflect legal updates, changes in practice, and formatting adjustments.

#### References to Fees for Interpreters

The Judicial Council of California allocates funds from the Trial Court Improvement Project to fund interpreters in domestic violence family law matters for litigants with limited English proficiency. Therefore, informing litigants that they may be required to pay a fee for an interpreter in DVPA cases is no longer necessary. The committee recommends deleting the fee information from forms DV-500, DV-520, DV-540, and DV-550.

#### Request for Interpreter

Existing text on some information sheets requires the litigant to notify the court at least one week in advance of the hearing to request an interpreter or other accommodation. Staff received information from a court that this requirement proved difficult for litigants, particularly respondents. The committee recommends eliminating the one-week notification requirement from forms DV-500, DV-520, DV-540, and DV-550.

#### Firearms Information Disclosed to Protected Person by Law Enforcement

Penal Code section 11106 as amended by Statutes 2005, chapter 702, authorizes a peace officer to disclose specified information related to registered firearms to the person protected by a restraining order issued under the DVPA. The committee recommends revising form DV-530 to inform protected persons that they are entitled to this information.

Technical Changes Suggested by the Family and Juvenile Law Advisory Committee and Members of the Public

Form DV-130, *Restraining Order After Hearing*, was revised effective July 1, 2005, in part to comply with a national initiative to give a consistent appearance to cover sheets on all protective orders. After the revised form went into effect, staff was informed that item 4 on the form has confused some court staff and litigants. People are not sure whether they should complete both lines regarding the end date of the order and the hearing date of the order. The committee recommends revising the form to clarify that all the information is required.

The committee recommends revising form DV-170, *Other Orders*, to eliminate an incorrect item-number reference at the top.

The committee recommends revising form DV-500, *Can a Domestic Violence Restraining Order Help Me?*, to delete the reference to the federal immigration agency.

A new convention calls for adding “INFO” after the form number on all information sheets. As information sheets are substantively revised, they will reflect the new convention.

The committee recommends revising the juvenile restraining order and applications to assist the court in making appropriate protective orders and to promote consistent protective order practices between the family and juvenile courts.

Alternative Actions Considered

The proposed amendments and revisions (1) are necessary to bring the forms into compliance with governing law, (2) would assist law enforcement in enforcing the mandatory firearms prohibitions, and (3) are recommended to improve public safety and access to the courts. No alternative actions were considered.

Comments From Interested Parties

The invitation to comment on the proposal was circulated from December 13, 2005, through January 23, 2006, to the standard mailing list for family and juvenile law proposals, as well as the regular rules and forms mailing list.<sup>3</sup> This

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<sup>3</sup> Form JV-200, *Custody Order—Juvenile—Final Judgment* and Form JV-205, *Visitation Order—Juvenile* and the portions of forms JV-245, *Application and Affidavit for Restraining Order—Juvenile*, and JV-250, *Restraining Order—Juvenile* that include information regarding the enforcement precedence of criminal court protective orders did not circulate for comment. The committee recommends that these forms be amended at this time as required by the newly enacted Penal Code §136.2. Additionally, the firearms descriptions on juvenile restraining orders and applications did not circulate for comment, but the committee recommends including firearms information on the juvenile forms to further the

distribution list includes judges, court administrators, attorneys, social workers, probation officers, mediators, and other family and juvenile law professionals. The invitation to comment was also distributed to a mailing list of other court staff and community members who have requested an opportunity to comment on domestic violence forms. We received a total of 30 comments. Eleven commentators agreed with the proposal. Seventeen commentators agreed with the proposal if modified and suggested both substantive and technical changes. Two commentators disagreed with the proposal.

One commentator disagreed with the entire proposal, indicating that the “entire restraining order process is too complicated for the average pro per. Instead of adding new legislation we should have a task force to make this process work and be accountable.”

Comments on specific issues are outlined below.

*Initial term of protective order increased from three to five years*

We did not receive any objection to this item.

*Emergency protective order has enforcement precedence over a criminal protective order*

We did not receive any objection to this item. Several commentators suggested that we use consistent text regarding this topic throughout the forms. The committee agrees and proposes consistent text as follows: “A protective order issued in a criminal case on Form CR-160 takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in full force. An emergency protective order (Form EPO-001) that is in effect between the same parties that is more restrictive than other restraining orders takes precedence over all other restraining orders.”

Two commentators noted that existing legislation regarding the hierarchy of protective orders is inconsistent. The Emergency Protective Order (Form EPO-001) takes precedence but only if it is more restrictive than other orders. Penal Code section 136.2 provides that a criminal protective order takes precedence over all other orders but is silent on whether that includes more restrictive orders. The commentators suggest consistent language so that the most restrictive order takes precedence. Legislation would be required to amend the statutes as suggested.

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recommendation of the task force and to promote consistent protective order practice between the family and juvenile courts.

One commentator suggested that we add language to indicate that the most current protective order be enforced. The committee believes that this addition could cause confusion, given the already lengthy description of the hierarchy of orders.

*When ordering child custody or visitation, the court issuing such orders must reference and acknowledge the precedence of a criminal protective order*  
We did not receive any objection to this item. However, Michael Roddy, executive officer of the Superior Court of San Diego County, commented that this requirement “will be difficult, if not impossible, for courts to fully implement.” He notes that in order to comply with this mandate, the sheriff’s department will be required to run a restraining order records check in the CLETS for each case or give court personnel access to CLETS. This may be difficult or impossible for some courts.

The committee believes that the requirement made by the amendments to Family Code section 3100 should be read in context with rule 5.500 of the California Rules of Court, which requires that the court make *reasonable efforts* to communicate about existing protective orders. The committee believes that a court can only reference and acknowledge the existence of criminal protective orders that it has taken reasonable efforts to identify, either because the litigant has informed the court of the orders or because the court has learned of the orders through other existing means.

One commentator noted that there may be numerous criminal protective orders in effect at the same time, issued in different counties and suggested that additional lines be added to the form to list all of the other criminal protective orders in effect, along with their expiration dates. There is currently no space on the form to add more lines for listing criminal protective orders. The committee notes that if the court is aware of multiple criminal protective orders, the court may list those orders under “Other Orders” on form DV-110 at item 16 or on form DV-130 at item 17, as appropriate.

Two commentators suggested adding a line for the court to indicate the expiration date of the criminal protective order. The committee agrees that the expiration date is an important field. Due to limited space on the form, the committee proposes deleting the provision for the filing date of the criminal protective order in favor of the expiration date.

*Restrained person prohibited from seeking address or location of protected persons or family members*  
We did not receive any objection to this item. Two commentators suggested adding language prohibiting third parties to take action on behalf of the restrained person. The committee agrees.

The Harriett Buhai Center for Family Law believes that asking the protected person why he or she may not want the order is misguided. They note that a protected person may not yet have a confidential location, or they may not realize he or she needs a confidential address until after the order has been issued. Instead, the commentator suggests that the burden to demonstrate good cause that the order should not issue lies with the respondent and that any opposition to the order could be made by the respondent in the responsive declaration. The committee agrees.

*Court required to transmit data on protective orders to statewide registry within one business day*

We did not receive any objection to this item. Suggestions by several commentators for consistent language regarding the court's obligation to transmit filed orders were incorporated in the information sheets. One commentator requested 48 hours to transmit the data. However, the statute requires the court to transmit the data to CLETS within one business day.

*Firearms information entered on request*

We did not receive any objection to this item. One commentator indicated that it may be difficult for self-represented litigants to provide the requested firearms information. Further, the commentator queried whether a failure to provide information on any firearm would create an exception or otherwise have an impact on enforcement. The committee proposes to clarify that the firearm information is based on the litigant's belief.

*Technical changes to family law forms*

The Harriett Buhai Center for Family Law commented on three family law forms. They agreed with the changes to form FL-341, and would agree with forms FL-310 and FL-105/GC-120 if the layout of each form were modified. They noted that the forms, as currently drafted, allow litigants to report the county and state for restraining and protective orders in effect. However, the forms only allow one county or state listing and one case number listing. The committee agrees to modify the two forms according to the layout suggested by the commentator.

Another commentator suggested that FL-310 could be more user-friendly and consistent with some of the domestic violence forms. In addition to the above-mentioned substantive changes to FL-310, the committee recommends making formatting changes so that the form is easier to read and provides more space for litigants to complete their responses.

*Other technical updates and corrections.*

Several requests for technical revisions were incorporated into the forms.

The comments are attached at pages 63–97.

### Implementation Requirements and Costs

Courts may be required to retrain clerks and to incur standard reproduction costs.

### Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective July 1, 2006, revise the following Judicial Council forms to conform with recent legislative amendments and include additional firearms information as well as technical updates and corrections:

1. DV-100, *Request for Order*;
2. DV-110, *Temporary Restraining Order and Notice of Hearing (CLETS—TRO)*;
3. DV-126-INFO, *How to Reissue a Temporary Restraining Order*;
4. DV-130, *Restraining Order After Hearing (CLETS—OAH)*;
5. DV-170, *Other Orders*;
6. DV-210-INFO, *What Is “Proof of Service”?*;
7. DV-260, *Confidential CLETS Information*;
8. DV-500-INFO, *Can a Domestic Violence Restraining Order Help Me?*;
9. DV-510-INFO, *I Filled Out the Forms—What Now?*;
10. DV-520-INFO, *Get Ready for Your Hearing (For Protected Person)*;
11. DV-530-INFO, *How to Enforce Your Order*;
12. DV-540-INFO, *Information for the Restrained Person*;
13. DV-550-INFO, *Get Ready for Your Hearing (For Restrained Person)*;
14. DV-720-INFO, *How Do I Ask the Court to Renew My Restraining Order?*;
15. FL-105/GC-120, *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)*;
16. FL-310, *Application for Order and Supporting Declaration*;
17. FL-341, *Child Custody and Visitation Order Attachment*;
18. JV-200, *Custody Order—Juvenile—Final Judgment*;
19. JV-205, *Visitation Order—Juvenile*;
20. JV-245, *Application and Affidavit for Restraining Order—Juvenile*; and
21. JV-250, *Restraining Order—Juvenile (CLETS)*.

The proposed forms are attached at pages 14–62. Excerpts of the referenced legislation are attached at pages 98–101.

### Attachments

Clerk stamps date here when form is filed.

**DRAFT 15**  
**3/23/06 xyz**  
**Not approved by the**  
**Judicial Council**

Fill in court name and street address:

**Superior Court of California, County of**

Clerk fills in case number when form is filed.

**Case Number:**

1 Your name (person asking for protection):

\_\_\_\_\_  
Your address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Your telephone number (optional): \_\_\_\_\_

Your lawyer (if you have one): (Name, address, telephone number, and State Bar number):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2 Name of person you want protection from:

Description of that person: Sex:  M  F Height: \_\_\_\_\_  
Weight: \_\_\_\_\_ Race: \_\_\_\_\_ Hair Color: \_\_\_\_\_  
Eye Color: \_\_\_\_\_ Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

3 Besides you, who needs protection? (Family or household members):

Full Name	Age	Lives with you?	How are they related to you?
_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

Check here if you need more space. Attach Form MC-020 and write "DV-100, Item 3—Protected People" by your statement. NOTE: In any item that asks for Form MC-020, you can use an 8 1/2 x 11-inch sheet of paper instead.

4 What is your relationship to the person in 2? (Check all that apply):

- a.  We are now married or registered domestic partners.
- b.  We used to be married or registered domestic partners.
- c.  We live together.
- d.  We used to live together.
- e.  We are relatives, in-laws, or related by adoption (specify relationship): \_\_\_\_\_
- f.  We are dating or used to date.
- g.  We are engaged to be married or were engaged to be married.
- h.  We are the parents together of a child or children under 18:  
 Child's Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
 Child's Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
 Child's Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_
- i.  We have signed a Voluntary Declaration of Paternity for our child or children. (Attach a copy if you have one.)

Check here if you need more space. Attach Form MC-020 and write "DV-100, Item 4h" by your statement.

**This is not a Court Order.**



Your name: \_\_\_\_\_

**5 Other Court Cases**

a. Have you and the person in ② been involved in another court case?  No  Yes

If yes, where? County: \_\_\_\_\_ State: \_\_\_\_\_

What are the case numbers? (If you know): \_\_\_\_\_

What kind of case? (Check all that apply):

Registered Domestic Partnership  Divorce/Dissolution  Parentage/Paternity  Legal Separation

Domestic Violence  Criminal  Juvenile  Child Support  Nullity  Civil Harassment

Other (specify): \_\_\_\_\_

b. Are there any domestic violence restraining/protective orders now (criminal, juvenile, family)?

No  Yes *If yes, attach a copy if you have one.*

**What orders do you want? Check the boxes that apply to your case.**

**6  Personal Conduct Orders**

I ask the court to order the person in ② not to do the following things to me or any of the people listed in ③:

a.  Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, or block movements

b.  Contact (either directly or indirectly), or telephone, or send messages or mail or e-mail

*The person in ② will be ordered not to take any action to get the addresses or locations of any protected person, their family members, caretakers, or guardians unless the court finds good cause not to make the order.*

**7  Stay-Away Order**

I ask the court to order the person in ② to stay at least \_\_\_\_\_ yards away from (check all that apply):

a.  Me

e.  The children's school or child care

b.  The people listed in ③

f.  My vehicle

c.  My home

g.  Other (specify): \_\_\_\_\_

d.  My job or workplace

If the person listed in ② is ordered to stay away from all the places listed above, will he or she still be able to get to his or her home, school, job, or place of worship?  Yes  No (If no, explain): \_\_\_\_\_

**8  Move-Out Order**

I ask the court to order the person in ② to move out from and not return to (address):

I have the right to live at the above address because (explain): \_\_\_\_\_

**9  Child Custody, Visitation, and Child Support**

I ask the court to order child custody, visitation, and/or child support. *You must fill out and attach Form DV-105.*

**10  Spousal Support**

*You can make this request only if you are married to, or are a registered domestic partner of, the person in ② and no spousal support order exists. To ask for spousal support, you must fill out, file, and serve Form FL-150 before your hearing.*

**This is not a Court Order.**



Your name: \_\_\_\_\_

**What orders do you want? Check the boxes that apply to your case.**

**11  Record Unlawful Communications**

I ask for the right to record communications made to me by the person in ② that violate the judge's orders.

**12  Property Control**

I ask the court to give *only* me temporary use, possession, and control of the property listed here:

\_\_\_\_\_

**13  Debt Payment**

I ask the court to order the person in ② to make these payments while the order is in effect:

*Check here if you need more space. Attach Form MC-020 and write "DV-100, Item 13—Debt Payment" by your statement.*

Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_

Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_

Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_

**14  Property Restraint**

I am married to or have a registered domestic partnership with the person in ②. I ask the judge to order that the person in ② not borrow against, sell, hide, or get rid of or destroy any possessions or property, except in the usual course of business or for necessities of life. I also ask the judge to order the person in ② to notify me of any new or big expenses and to explain them to the court.

**15  Attorney Fees and Costs**

I ask that the person in ② pay some or all of my attorney fees and costs.  
*You must complete and file Form FL-150, Income and Expense Declaration.*

**16  Payments for Costs and Services**

I ask that the person in ② pay the following:

*You can ask for lost earnings or your costs for services caused directly by the person in ② (damaged property, medical care, counseling, temporary housing, etc.). You must bring proof of these expenses to your hearing.*

Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_

Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_

Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_

**17  Batterer Intervention Program**

I ask the court to order the person listed in ② to go to a 52-week batterer intervention program and show proof of completion to the court.

**18  No Fee to Serve (Notify) Restrained Person**

*If you want the sheriff or marshal to serve (notify) the restrained person about the orders for free, ask the court clerk if you need to file more forms. You may need Form CH-101/DV-290 and Form 982(a)(17).*

**This is not a Court Order.**



Case Number: \_\_\_\_\_

Your name: \_\_\_\_\_

**What orders do you want? Check the boxes that apply to your case.**

**19  More Time for Notice**

I need extra time to notify the person in (2) about these papers. Because of the facts explained on this form, I want the papers served up to \_\_\_\_\_ days before the date of the hearing. *For help, read Form DV-210-INFO. If necessary, add additional facts:* \_\_\_\_\_

**20  Other Orders**

What other orders are you asking for? \_\_\_\_\_

*Check here if you need more space. Attach Form MC-020 and write "DV-100, Item 20—Other Orders" by your statement.*

**21 Guns or Other Firearms**

I believe the person in (2) owns or possesses guns or firearms.  Yes  No  I don't know

*If the judge approves the order, the person in (2) will be required to sell to a gun dealer or turn in to police any guns or firearms that he or she owns or possesses.*

**22 Describe the most recent abuse.**

a. Date of most recent abuse: \_\_\_\_\_

b. Who was there? \_\_\_\_\_

c. What did the person in (2) do or say that made you afraid?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

d. Describe any use or threatened use of guns or other weapons: \_\_\_\_\_

\_\_\_\_\_

e. Describe any injuries: \_\_\_\_\_

\_\_\_\_\_

f. Did the police come?  No  Yes

If yes, did they give you an Emergency Protective Order?  Yes  No  I don't know

*Attach a copy if you have one.*

*Check here if you need more space. Use Form MC-020 and write "DV-100, Item 22—Recent Abuse" by your statement.*

*Check here if the person in (2) has abused you (or your children) other times. Use Form DV-101 or Form MC-020 to describe any previous abuse.*

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Type or print your name*

\_\_\_\_\_  
*Sign your name*

**This is not a Court Order.**

Clerk stamps date here when form is filed.

DRAFT 21
04/04/06 xyz
Not approved by the
Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Name of person asking for protection (protected person):

Protected person's address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):

City: State: Zip:

Telephone number:

Protected person's lawyer (if any): (Name, address, telephone number, and State Bar number):

2 Restrained person's name:

Description of that person: Sex: M F Height:

Weight: Race: Hair Color:

Eye Color: Age: Date of Birth:

3 List the full names of all family or household members protected by this order:

4 Court Hearing Date (Fecha de la Audiencia)

Clerk will fill out section below.

Hearing Date box with fields for Date, Time, Dept., Rm., and Name and address of court if different from above.

To the person in 2: At the hearing, the judge can make restraining orders that last for up to 5 years. The judge can also make other orders about your children, child support, spousal support, money, and property. File an answer on Form DV-120 before the hearing. At the hearing, you can tell the judge that you do not want the orders against you. Even if you do not attend the hearing, you must obey the orders.

Para la persona nombrada en 2: En esta audiencia el juez puede hacer que la orden de restricción sea válida hasta un máximo de 5 años. El juez puede también hacer otras órdenes acerca de niños, manutención, dinero y propiedad. Presente una respuesta en el formulario DV-120 antes de la audiencia. Si Usted se opone a estas órdenes, vaya a la audiencia y dígaselo al juez. Aunque no vaya a la audiencia, tiene que obedecer estas órdenes.

To the person in 1: At the hearing, the judge will consider whether denial of any orders will jeopardize your safety and the safety of children for whom you are requesting custody, visitation, and child support. Safety concerns related to the financial needs of you and your children will also be considered.

5 Temporary Orders (Ordenes Temporales)

Any orders made in this form end at the time of the court hearing in 4, unless a judge extends them.

Read this form carefully. All checked boxes and items 10 and 11 are court orders.

Todas las órdenes hechas en esta formulario terminarán en la fecha y hora de la audiencia en 4, al menos que un juez las extienda. Lea este formulario con cuidado. Todas las casillas marcadas y los artículos 10 y 11 son órdenes de la corte.

This is a Court Order.

Your name: \_\_\_\_\_

**6**  **Personal Conduct Orders**

The person in **(2)** must *not* do the following things to the protected people listed in **(1)** and **(3)**:

- a.  Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, or block movements
- b.  Contact (either directly or indirectly), or telephone, or send messages or mail or e-mail
  - Except for brief and peaceful contact as required for court-ordered visitation of children unless a criminal protective order says otherwise
- c.  Take any action, directly or through others, to get the addresses or locations of any protected persons or of their family members, caretakers, or guardians. *(If item c is not checked, the court has found good cause not to make this order.)*

Peaceful written contact through a lawyer or through a process server or another person in order to serve legal papers is allowed and does not violate this order.

- A criminal protective order on Form CR-160 is in effect. Case Number: \_\_\_\_\_  
County (if known): \_\_\_\_\_ Expiration Date: \_\_\_\_\_ *(If more orders, list them in item (16).)*

**7**  **Stay-Away Order**

The person in **(2)** must stay at \_\_\_\_\_ yards away from:

- a.  The person listed in **(1)**
- b.  The people listed in **(3)**
- c.  Home  Job  Vehicle of person in **(1)**
- d.  The children’s school or child care
- e.  Other (specify): \_\_\_\_\_

**8**  **Move-Out Order**

The person in **(2)** must take only personal clothing and belongings needed until the hearing and move out immediately from (address): \_\_\_\_\_

**9**  **Child Custody and Visitation Order**

- a.  You and the other parent must make an appointment for court mediation (address and phone number): \_\_\_\_\_
- b.  Follow the orders listed in Form DV-140, which is attached.

**10**  **No Guns or Other Firearms**

The person in **(2)** cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get a gun or firearm.

**11**  **Turn in or sell guns or firearms.**

The person in **(2)**:

- Must sell to a licensed gun dealer or turn in to police any guns or firearms that he or she has or controls. This must be done within 24 hours of receiving this order.
- Must bring a receipt to the court within 72 hours of receiving this order, to prove that guns and firearms have been turned in or sold.

**12**  **Property Control**

Until the hearing, *only* the person in **(1)** can use, control, and possess the following property and things:

\_\_\_\_\_  
\_\_\_\_\_

**This is a Court Order.**

Your name: \_\_\_\_\_

**13**  **Property Restraint**

If the people in ① and ② are married to each other or are registered domestic partners, they must not transfer, borrow against, sell, hide, or get rid of or destroy any property, except in the usual course of business or for necessities of life. In addition, each person must notify the other of any new or big expenses and explain them to the court. *(The person in ② cannot contact the person in ① if the court has made a “no contact” order.)*

**14**  **Unlawful communications may be recorded.**

The person in ① can record communications made by the person in ② that violate the judge’s orders.

**15** **No Fee to Notify (Serve) Restrained Person**

If the sheriff serves this order, he or she will do it for free.

**16**  **Other Orders** *(specify):* \_\_\_\_\_

\_\_\_\_\_

**17** If the judge makes a restraining order at the hearing, which has the same orders as in this form, the person in ② will get a copy of that order by mail at his or her last known address. *(Write restrained person’s address here):*

\_\_\_\_\_

If this address is not correct, or to know if the orders were made permanent, contact the court.

**18**  **Time for Service**

**A To: Person Asking for Order**  
 Someone 18 or over—**not you or the other protected people**—must personally “serve” a copy of this order to the restrained person at least \_\_\_\_\_ days before the hearing.

**B To: Person Served With Order**  
 If you want to respond in writing, someone 18 or over—**not you**—must “serve” Form DV-120 on the person in ①, then file it with the court at least \_\_\_\_\_ days before the hearing.

*For help with Service or answering, read Form DV-210-INFO or DV-540-INFO.*

Date: \_\_\_\_\_

▶ \_\_\_\_\_  
 Judge (or Judicial Officer)

**Certificate of Compliance With VAWA**

This temporary protective order meets all Full Faith and Credit requirements of the Violence Against Women Act, 18 U.S.C. § 2265 (1994) (VAWA) upon notice of the restrained person. This court has jurisdiction over the parties and the subject matter; the restrained person has been or will be afforded notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. **This order is valid and entitled to enforcement in each jurisdiction throughout the 50 United States, the District of Columbia, all tribal lands, and all U.S. territories, commonwealths, and possessions and shall be enforced as if it were an order of that jurisdiction.**

**This is a Court Order.**



Your name: \_\_\_\_\_

**Warnings and Notices to the Restrained Person in ②****19 If you do not obey this order, you can be arrested and charged with a crime.**

- It is a felony to take or hide a child in violation of this order. You can go to prison and/or pay a fine.
- If you travel to another state or to tribal lands or make the protected person do so, with the intention of disobeying this order, you can be charged with a federal crime.
- If you do not obey this order, you can go to prison and/or pay a fine.

**20 You cannot have guns or firearms.**

**You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get a gun while the order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to a gun dealer or turn in to police any guns or firearms that you have or control. The judge will ask you for proof that you did so. If you do not obey this order, you can be charged with a crime. Federal law says you cannot have guns or ammunition if you are subject to a restraining order made after a noticed hearing.**

**21 After You Have Been Served With a Restraining Order**

- Obey all the orders.
- If you want to respond, fill out Form DV-120. Take it to the court clerk with the forms listed in item ②②.
- File DV-120 and have all papers served on the protected person by the date listed in item ①⑧ of this form.
- At the hearing, tell the judge if you agree or disagree with the orders requested.
- Even if you do not attend the hearing, the judge can make the restraining orders last for 5 years.

**22 Child Custody, Visitation, and Support**

- **Child Custody and Visitation:** If you do not go to the hearing, the judge can make custody and visitation orders for your children without hearing your side.
- **Child Support:** The judge can order child support based on the income of both parents. The judge can also have that support taken directly from your paycheck. Child support can be a lot of money, and usually you have to pay until the child is 18. File and serve a *Financial Statement* (Form FL-155) or an *Income and Expense Declaration* (Form FL-150) so the judge will have information about your finances. Otherwise, the court may make support orders without hearing your side.
- **Spousal Support:** File and serve a *Financial Statement* (Form FL-155) or an *Income and Expense Declaration* (Form FL-150) so the judge will have information about your finances. Otherwise, the court may make support orders without hearing your side.

**23 Requests for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk's office or go to [www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms) for *Request for Accommodations by Persons With Disabilities and Order* (Form MC-410). (Civil Code, § 54.8.)

**This is a Court Order.**

Your name: \_\_\_\_\_

**Instructions for Law Enforcement****24 Start Date and End Date of Orders**

The start date is the date next to the judge’s signature on page 3. The orders end on the hearing date on page 1 or the hearing date on Form DV-125, if attached.

**25 Arrest Required If Order Is Violated**

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Penal Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6.

**26 Notice/Proof of Service**

Law enforcement must first determine if the restrained person had notice of the orders. If notice cannot be verified, the restrained person must be advised of the terms of the orders. If the restrained person then fails to obey the orders, the officer must enforce them. (Family Code, § 6383.)

Consider the restrained person “served” (noticed) if:

- The officer sees a copy of the *Proof of Service* or confirms that the *Proof of Service* is on file; or
- The restrained person was at the restraining order hearing or was informed of the order by an officer. (Fam. Code, § 6383; Pen. Code, § 836(c)(2).) An officer can obtain information about the contents of the order in the Domestic Violence Restraining Orders System (DVROS). (Fam. Code, § 6381(b)(c).)

**27 If the Protected Person Contacts the Restrained Person**

Even if the protected person invites or consents to contact with the restrained person, the orders remain in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The orders can be changed only by another court order. (Pen. Code, § 13710(b).)

**28 Child Custody and Visitation**

- Custody and visitation orders are on Form DV-140, items ③ and ④. They are sometimes also written on additional pages or referenced in DV-140 or other orders that are not part of the restraining order.
- **Forms DV-100 and DV-105 are not orders. Do not enforce them.**

**29 Enforcing the Restraining Order in California**

Any law enforcement officer in California who receives, sees, or verifies the orders on a paper copy, or on the California Law Enforcement Telecommunications System (CLETS), or in an NCIC Protection Order File must enforce the orders.

**30 Conflicting Orders**

A protective order issued in a criminal case on Form CR-160 takes precedence in enforcement over any conflicting civil court order. (Pen. Code, § 136.2(e)(2).) Any nonconflicting terms of the civil restraining order remain in full force. An emergency protective order (Form EPO-001) that is in effect between the same parties and is more restrictive than other restraining orders takes precedence over all other restraining orders.

Clerk’s Certificate

[seal]

I certify that this Temporary Restraining Order is a true and correct copy of the original on file in the court.

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

**This is a Court Order.**

**DV-126-INFO**

**How to Reissue a Temporary Restraining Order**

**The judge may need to set your hearing for another day.**

This happens when:

- You were not able to get your temporary restraining order served *or*
- The other person asked for time to get a lawyer or prepare an answer *or*
- You need to meet with a Family Court mediator about child custody or visitation

**If your hearing gets changed to another day, follow these steps:**

- Fill out Form DV-125.
- Ask the judge to sign it and give you a new hearing date. In some courts, you must give your form to the clerk for the judge’s signature. Ask your court clerk for information on the local process.
- File the form with the clerk. The clerk will make 5 copies for you. Ask the clerk to stamp “Filed” on your copies.
- Attach 1 “filed” copy of Form DV-125 to your other court papers (Forms DV-100 and DV-110). Get them served on the restrained person. Do this right away. Now your orders will last until the new hearing date.
- The clerk will send your restraining order to law enforcement or CLETS for you. CLETS is a statewide computer system that lets police know about your order.
- Bring all your papers back to the next court hearing.

**Need help?**

Ask the court clerk about free or low-cost legal help.

Or call the National Domestic Violence Hotline:

**1-800-799-7233**

**TDD: 1-800-787-3224**

It’s free and private.

They can help you in more than 100 languages.

For help in your area, contact:

**DV-125 Reissue Temporary Restraining Order**

1 Name of person asking for protection (protected person): \_\_\_\_\_  
 Protected person's address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead): \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone # (optional): \_\_\_\_\_  
 Protected person's lawyer (if any): (Name, address, phone #, and State Bar #): \_\_\_\_\_

2 Restrained person's name: \_\_\_\_\_  
 Description of that person: Sex:  M  F Ht: \_\_\_\_\_  
 Wt: \_\_\_\_\_ Race: \_\_\_\_\_ Eye Color: \_\_\_\_\_ Hair Color: \_\_\_\_\_  
 Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

3 I ask the judge to reissue the Temporary Restraining Order, Form DV-110.  
 a. The last hearing date was (date): \_\_\_\_\_  
 b. The order has been reissued \_\_\_\_\_ times.

4 I ask the judge to reissue the order because:  
 a.  I could not get the order served before the hearing date.  
 b.  The date of the hearing was changed because we were sent to mediators or other family court services.  
 c.  Other (specify): \_\_\_\_\_

5 I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.  
 Date: \_\_\_\_\_

Type or print your name \_\_\_\_\_ Sign your name \_\_\_\_\_

**This is a Court Order.**  
 Clerk will fill out section below

The order listed in  is reissued and reset for hearing in this court on the date and time below. Unless a judge extends the time, the order will end on the date and time below.  
 Hearing Date: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_ Name & address of court if different from above: \_\_\_\_\_  
 Dept.: \_\_\_\_\_ Rm.: \_\_\_\_\_  
 All other orders in the Temporary Restraining Order stay in effect unless this order changes them.  
 Date: \_\_\_\_\_

Judicial Council of California, www.courtinfo.ca.gov  
 Date: July 2, 2003, Mandatory Form  
 Code of Civil Procedure, § 39200, approved by D08

**Reissue Temporary Restraining Order**  
 (Domestic Violence Prevention)

Judge (or judicial officer) \_\_\_\_\_  
 DW-125, Page 1 of 1

Clerk stamps date here when form is filed.

**DRAFT 17  
03/23/06 xyz  
Not approved by the  
Judicial Council**

1 Protected person's name:  
\_\_\_\_\_

(first) (middle) (last)

Protected person's address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):  
\_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone number (optional): \_\_\_\_\_

Lawyer (if any): (Name, address, telephone number, and State Bar number): \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

2 List the full names of all family or household members protected by this order: \_\_\_\_\_

Fill in case number:

**Case Number:**

3 Restrained person's name:  
\_\_\_\_\_

(first) (middle) (last)

Description of that person: Sex:  M  F Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Race: \_\_\_\_\_  
Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_ Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
Relationship to protected person: \_\_\_\_\_

4 The court orders are on pages 2 and 3 and attachment pages (if any).

The hearing was on (date): \_\_\_\_\_ with (name of judicial officer): \_\_\_\_\_

The orders end on (date): \_\_\_\_\_ at (time): \_\_\_\_\_

- If no end date is written, the restraining order ends 3 years after the date of the hearing.
- If no time is written, the restraining order ends at midnight on the end date.
- Note: Custody, visitation, child support, and spousal support orders have different end dates. Custody, visitation, and child support orders usually end when the child is 18.

5  The people in 1 and 3 must return to court/department \_\_\_\_\_ on (date): \_\_\_\_\_  
at (time): \_\_\_\_\_  a.m.  p.m. to review (specify issues): \_\_\_\_\_

**Certificate of Compliance With VAWA**

This protective order meets all Full Faith and Credit requirements of the Violence Against Women Act, 18 U.S.C. § 2265 (1994) (VAWA). This court has jurisdiction over the parties and the subject matter; the restrained person has been afforded reasonable notice and an opportunity to be heard as provided by the laws of this jurisdiction. **This order is valid and entitled to enforcement in each jurisdiction throughout the 50 United States, the District of Columbia, all tribal lands, and all U.S. territories, commonwealths, and possessions and shall be enforced as if it were an order of that jurisdiction.**

**This is a Court Order.**

Your name: \_\_\_\_\_

**6**  **Personal Conduct Orders**

The person in **3** must **not** do the following things to the protected people listed in **1** and **2** :

- a.  Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, or block movements
- b.  Contact (either directly or indirectly), telephone, or send messages or mail or e-mail
  - Except for brief and peaceful contact as required for court-ordered visitation of children unless a criminal protective order says otherwise
- c.  Take any action, directly or through others, to get the addresses or locations of any protected persons or of their family members, caretakers, or guardians. *(If item c is not checked, the court has found good cause not to make this order.)*

Peaceful written contact through a lawyer or through a process server or another person in order to serve legal papers is allowed and does not violate this order.

A criminal protective order on Form CR-160 is in effect. Case Number: \_\_\_\_\_  
 County (if known): \_\_\_\_\_ Expiration Date: \_\_\_\_\_ *(If more orders, list them in item 17.)*

**7**  **Stay-Away Order**

The person in **3** must stay at least \_\_\_\_\_ yards away from:

- a.  The person listed in **1**
- b.  The people listed in **2**
- c.  Home  Job  Vehicle of person in **1**
- d.  The children's school or child care
- e.  Other (specify): \_\_\_\_\_

**8**  **Move-Out Order**

The person in **3** must move out immediately from (address): \_\_\_\_\_

**9**  **Child Custody and Visitation**

Child custody and visitation are ordered on the attached Form DV-140 or (specify other form): \_\_\_\_\_

**10**  **Child Support**

Child support is ordered on the attached Form DV-160 or (specify other form): \_\_\_\_\_

**11**  **Spousal Support**

Spousal support is ordered on the attached Form FL-343 or (specify other form): \_\_\_\_\_

**12** **No Guns or Other Firearms**

The person in **3** cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get a gun or firearm.

**13** **Turn in or sell guns and firearms.**

The person in **3** :

- Must sell to a licensed gun dealer or turn in to police any guns or firearms that he or she has or controls. This must be done within 24 hours of receiving this order.
- Must bring a receipt to the court within 72 hours of receiving this order, to prove that guns and firearms have been turned in or sold.

**This is a Court Order.**



Your name: \_\_\_\_\_

**14**  **Record Unlawful Communications**

The person in ① has the right to record communications made by the person in ③ that violate the judge's orders.

**15**  **Batterer Intervention Program**

The person in ③ must go to and pay for a 52-week batterer intervention program and show written proof of completion to the court. This program must be approved by the probation department.

**16** **No Fee to Notify (Serve) Restrained Person**

If the sheriff or marshal serves this order, he or she will do it for free.

**17**  **Other Orders**Other orders relating to property control, debt payment, attorney fees, restitution, and/or other issues are in attached Form DV-170 or (*specify other form*): \_\_\_\_\_**18** **Service**

- a.  The people in ① and ③ were at the hearing or agreed in writing to this order. No other proof of service is needed.
- b.  The person in ① was at the hearing. The person in ③ was not.
- (1)  Proof of service of Form DV-110 was presented to the court. The judge's orders in this form are the same as in Form DV-110 except for the end date. The person in ③ must be served. This order can be served by mail.
- (2)  Proof of service of Form DV-110 was presented to the court. The judge's orders in this form are different from the orders in Form DV-110. Someone—not the people in ① or ②—must personally "serve" a copy of this order to the person in ③.

**19** **Attached pages are orders.**

- Number of pages attached to this 5-page form: \_\_\_\_\_
- All of the attached pages are part of this order.
- Attachments include (*check all that apply*):
  - DV-140    DV-145    DV-150    DV-160    DV-170    FL-343
  - Other (*specify*): \_\_\_\_\_

Date: \_\_\_\_\_

▶ \_\_\_\_\_  
*Judge (or Judicial Officer)*

**This is a Court Order.**

Your name: \_\_\_\_\_

**Instructions for Law Enforcement****20 Start Date and End Date of Orders**

The orders *start* on the earlier of the following dates:

- The hearing date on page 1 *or*
- The date next to the judge’s signature on page 3.

The orders *end* on the end date in item 4 on page 1. If no end date is listed, they end 3 years from the hearing date.

**21 Arrest Required If Order Is Violated**

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Penal Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6.

**22 Notice/Proof of Service**

Law enforcement must first determine if the restrained person had notice of the orders. If notice cannot be verified, the restrained person must be advised of the terms of the orders. If the restrained person then fails to obey the orders, the officer must enforce them. (Family Code, § 6383.)

Consider the restrained person “served” (noticed) if:

- The officer sees a copy of the *Proof of Service* or confirms that the *Proof of Service* is on file; *or*
- The restrained person was at the restraining order hearing or was informed of the order by an officer. (Fam. Code, § 6383; Pen. Code, § 836(c)(2).) An officer can obtain information about the contents of the order in the Domestic Violence Restraining Orders System (DVROS). (Fam. Code, § 6381(b)(c).)

**23 If the Protected Person Contacts the Restrained Person**

Even if the protected person invites or consents to contact with the restrained person, the orders remain in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The orders can be changed only by another court order. (Pen. Code, § 13710(b).)

**24 Child Custody and Visitation**

- The custody and visitation orders are on Form DV-140, items ③ and ④. They are sometimes also written on additional pages or referenced in DV-140 or other orders that are not part of the restraining order.
- **Forms DV-100 and DV-105 are not orders. Do not enforce them.**

**25 Enforcing the Restraining Order in California**

Any law enforcement officer in California who receives, sees, or verifies the orders on a paper copy, the California Law Enforcement Telecommunications System (CLETS), or in an NCIC Protection Order File must enforce the orders.

**26 Conflicting Orders**

A protective order issued in a criminal case on Form CR-160 takes precedence in enforcement over any conflicting civil court order. (Pen. Code, § 136.2(e)(2).) Any nonconflicting terms of the civil restraining order remain in full force. An emergency protective order (Form EPO-001) that is in effect between the same parties and is more restrictive than other restraining orders takes precedence over all other restraining orders. (Pen. Code, § 136.2.)

**This is a Court Order.**

Your name: \_\_\_\_\_

**Warnings and Notices to the Restrained Person in ③**

**②7 If you do not obey this order, you can be arrested and charged with a crime.**

- It is a felony to take or hide a child against this order. You can go to prison and/or pay a fine.
- If you travel to another state or to tribal lands or make the protected person do so, with the intention of disobeying this order, you can be charged with a federal crime.
- If you do not obey this order, you can go to prison and/or pay a fine.

**②8 You cannot have guns or firearms.**



**You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get a gun or firearm while the order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to a licensed gun dealer or turn in to police any guns or firearms that you have or control. The judge will ask you for proof that you did so. If you do not obey this order, you can be charged with a crime. Federal law says you cannot have guns or ammunition while the order is in effect.**

*(Clerk will fill out this part)*

**—Clerk's Certificate—**

*[seal]*

I certify that this *Restraining Order After Hearing (Order of Protection)* is a true and correct copy of the original on file in the court.

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

**This is a Court Order.**

**DV-170**

**Other Orders**

Case Number: \_\_\_\_\_

This form is attached to Form DV-130, Restraining Order After Hearing (*Order of Protection*).

① Protected person's name: \_\_\_\_\_

② Restrained person's name: \_\_\_\_\_

③  **Property Control**

Only the person in ① can use, possess, and control the following property: \_\_\_\_\_

④  **Debt Payment**

The person in ② must make these payments until this order ends:

Check here if you need more space. Attach Form MC-020 or a sheet of paper and write "DV-170, Item 4—Debt Payment" at the top.

Pay to: \_\_\_\_\_ for: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_

Pay to: \_\_\_\_\_ for: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_

Pay to: \_\_\_\_\_ for: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_

⑤  **Property Restraint**

The people in ① and ② must not transfer, borrow against, sell, hide, or get rid of any property, except in the usual course of business or for the necessities of life. In addition, each person must notify the other of any new or big expenses and explain them to the court. (*The person in ② cannot contact the person in ① if the court has made a "no contact" order.*)

⑥  **Attorney Fees and Costs**

The person in ② must pay the following lawyer fees and costs:

Pay to: \_\_\_\_\_ for: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_

Pay to: \_\_\_\_\_ for: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_

⑦  **Payments for Costs and Services**

The person in ② must pay the following:

Pay to: \_\_\_\_\_ for: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_

Pay to: \_\_\_\_\_ for: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_

Pay to: \_\_\_\_\_ for: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_

⑧ **Other Orders**

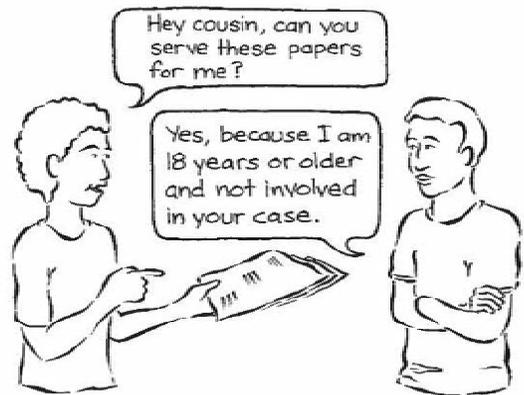
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**This is a Court Order.**

**DV-210-INFO****What Is “Proof of Service”?****What is “service”?**

There are many kinds of service—in person, by mail, and others. This form is about “in-person service.” The *Temporary Restraining Order* (Form DV-110) and the *Request for Order* (Form DV-100) must be served “in person.” That means someone—not you or anyone else protected by the order—must personally “serve” (give) the restrained person a copy of the forms. Service lets the other person know:

- What orders you are asking for
- The hearing date
- How to answer

**Who can serve?**

Ask someone you know, a process server, or law enforcement to personally “serve” (give) a copy of the order to the restrained person. You **cannot** send it by mail.

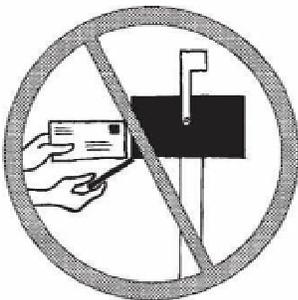
The server must:

- Be 18 or over
- Not be protected by the orders

The sheriff or marshal is authorized to serve the orders for *free*, but you have to ask. Use Form CH-101/DV-290.

A “process server” is a business you pay to deliver court forms. Look in the Yellow Pages under “Process Serving.”

(If law enforcement or the process server uses a different proof of service form, make sure it lists the forms served.)



*Don't serve it by mail!*

**How to Serve**

Ask the server to:

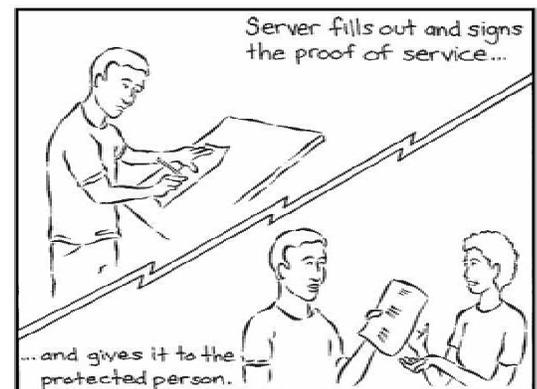
- Walk up to the person to be served.
- Make sure it's the right person. Say the person's name: “Are you John Doe?” or “Hi, John Doe.”
- Give copies of all papers checked on Form DV-200.
- Fill out and sign the *Proof of Service* form (DV-200).
- Give the signed *Proof of Service* to you.

**What if the person won't take the papers or tears them up?**

- If the person won't take the papers, just leave them near the person.
- It doesn't matter if the person tears them up.

**Who signs the *Proof of Service*?**

Only the person who serves the orders can sign the *Proof of Service*. You do not sign Form DV-200. The restrained person does not sign this form.



## When do the orders have to be served?

It depends. To know the exact date, you have to look at two things on Form DV-110:

First, look at the hearing date on page 1 of Form DV-110. Next, look at the number of days written in (18) on page 3.

**4 Court Hearing Date (Fecha de la Audie)**  
Clerk will fill out section below.

<b>Hearing Date</b>	Date: _____	Time: _____
	Dept.: _____	Rm.: _____

To the person in (2): At the hearing, the judge also make other orders about your children. you can tell the judge that you do not wa

**18**  **Time for Service**

**A To: Person Asking for Order**  
Someone 18 or over—not you or the other pro people—must personally “serve” a copy of this restrained person at least \_\_\_\_\_ days before

For help with

Look at a calendar. Subtract the number of days in (18) from the hearing date. That’s the final date to have the orders served. It’s always OK to serve earlier than that date.

If nothing is written in (18), follow these rules:

- If the restrained person was notified that you asked for temporary orders, you have 15 days before the hearing.
- If the restrained person was not notified that you asked for temporary orders, you have 5 days before the hearing.

## Why do I have to get the orders served?

- The *police cannot arrest* anyone for violating an order **unless** the restrained person knows about the order.
- The *judge cannot make the orders permanent* unless the restrained person was served.

## What happens if I can’t get the orders served before the hearing date?

Before your hearing, fill out and file the *Reissue Temporary Restraining Order* (Form DV-125). This form asks the judge for a new hearing date and makes your orders last until then. Ask the clerk for the form.

You **must** attach a copy of Form DV-125 to a copy of your original order. That way, the police will know your orders are still in effect. And the restrained person will be served with notice of the new hearing date. For more information on getting a new hearing date, read Form DV-126-INFO.

## What do I do with the completed *Proof of Service*?

If someone other than the sheriff serves the orders, you should:

- Make at least 5 copies.
- File the original *Proof of Service* (Form DV-200) with the court at least 2 days before your hearing.
- The clerk will send it to CLETS, a statewide computer system that lets police know about your order.
- Bring a copy of the *Proof of Service* to your hearing.
- Always keep an extra copy with you for your safety.

If the sheriff serves the orders, he or she will send the *Proof of Service* to the court and CLETS for you.

**DV-260**

**Confidential CLETS Information**

**California Law Enforcement Telecommunications System (CLETS)  
Information Form**

**Important Notice:** This form **MUST NOT** become part of the court file. It is confidential and private. It can be used by the court or law enforcement to enter a restraining order in CLETS or to locate the restrained person to serve a restraining order.

**To the Protected Person:** Complete this form and give it to the court clerk. The clerk will send it to CLETS, a statewide computer system that lets police know about your order.

**Case number for your restraining order (if you know it):** \_\_\_\_\_

**1 Protected Person (name):** \_\_\_\_\_

Sex:  M  F Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Race: \_\_\_\_\_  
 Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_ Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

\_\_\_\_\_  
*(mailing address listed on restraining order) (city, state, zip) (telephone number [optional])*

Vehicle (type, model, year): \_\_\_\_\_

Vehicle license number: \_\_\_\_\_

**2 Restrained Person (name):** \_\_\_\_\_

Sex:  M  F Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Race: \_\_\_\_\_  
 Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_ Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

\_\_\_\_\_  
*(residence address) (city, state, zip) (telephone number)*

\_\_\_\_\_  
*(workplace) (occupation/title) (work hours)*

\_\_\_\_\_  
*(business address) (city, state, zip) (telephone number)*

Driver's license number and state: \_\_\_\_\_ Vehicle license number and state: \_\_\_\_\_

Vehicle (type, model, year): \_\_\_\_\_

Social Security Number: \_\_\_\_\_

Describe any marks, scars, or tattoos: \_\_\_\_\_

Other names used by the restrained person: \_\_\_\_\_

Describe any guns or firearms you believe the restrained person owns or has access to (number, types, and locations): \_\_\_\_\_

**3 Other Protected People**

Name	Date of Birth	Sex	Race
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**Confidential—Do not file in court file.**

**What is a "domestic violence restraining order"?**

It is a court order that can help protect people from abuse.

**What is abuse?**

Abuse means to hit, kick, hurt, scare, throw things, pull hair, push, follow, harass, sexually assault, or threaten to do any of these things. Abuse can be spoken, written, or physical.

**Can I get a restraining order?**

You can ask for one if:

- A person has abused you *and*
- You have a close relationship with that person (married, divorced, separated, registered domestic partnership, dating or used to date, live together or used to live together\*), or you are related (parent, child, brother, sister, grandmother, grandfather, in-law)

\* You have to be more than just roommates.

**What if I don't qualify for a restraining order?**

If you do not qualify, there are other kinds of orders you can ask for:

- Civil harassment order (can be used for neighbors, roommates, and co-workers)
- Dependent adult or elder abuse restraining order

Ask the court clerk for the forms you need for these special kinds of orders. You may also want to talk to a lawyer.

**How soon can I get the order?**

The judge will decide whether or not to make the order within 24 hours of your request. Sometimes the judge decides sooner.

**How will the restraining order help me?**

It can order the restrained person to:

- Not contact or go near you, your children, other relatives, or others who live with you
- Not have a gun
- Move out of your house

**Other orders are available. The restraining order can also provide for:**

- Child custody and visitation orders
- Child support
- Spousal support

**How long does the order last?**

The first (temporary) order lasts until your next court date. At that time, the judge will decide to continue or cancel the order. The order issued at that hearing could last for up to 5 years. Child custody, visitation, and support orders last longer. Child custody, visitation, and support orders can last until the child turns 18.

**How much does it cost?**

Nothing.

**What if I don't have a green card?**

You can still get a restraining order. If you are worried about deportation, talk to an immigration lawyer.

**Do I have to go to court?**

Yes. Go to court on the date the clerk gives you. If you do not, your order will end.

**Do I need a lawyer?**

No. But it is a good idea, especially if you have children. Ask the court clerk about legal services and domestic violence help centers in your county. The clerk can also send you to the Family Law Facilitator for help with child support.

**Do I need to bring a witness to the court hearing?**

No. But it helps to have proof of the abuse. You can bring:

- A statement from a witness, made under oath
  - A witness
  - Photos
  - Medical or police reports
  - Damaged property
  - A threatening letter, an e-mail, or a telephone message
- The judge may or may not let a witness speak at the hearing.

**Will I see the restrained person at the hearing?**

If the restrained person comes to the hearing, yes. But that person does not have the right to speak to you. If you are afraid, tell the court officer. Read *Get Ready for Your Hearing (For Protected Person)* (Form DV-520-INFO).

**Can I bring someone with me to the court?**

Yes. You can bring someone to sit with you during the hearing. But that person cannot speak for you in court. Only you or your lawyer (if you have one) can speak for you.

**What if I don't speak English?**

When you file your papers, ask the clerk for a court interpreter. If the interpreter is not available for your court date, bring someone to interpret for you. Do not ask a child, or anyone protected by the order, to interpret for you.

**What if I am deaf or hard of hearing?****Requests for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk's office or go to [www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms) for *Request for Accommodations by Persons With Disabilities and Response* (Form MC-410). (Civil Code, § 54.8.)

**How will the restrained person know about the order?**

Someone who is at least 18—not you or anyone else protected by the order—must “serve” (give) the restrained person with a copy of the order. The sheriff will do it for free (use Form CH-101/DV-290) but you have to ask. For more help, ask the court clerk for Form DV-210-INFO.

**What if the restrained person doesn't obey the order?**

Call the police. The restrained person can be arrested and charged with a crime.

**Can I agree with the restrained person to cancel the order?**

No. Only the judge can change or cancel the order.

**Can I use the restraining order to get divorced or terminate a registered domestic partnership?**

No. These forms will not end your marriage or registered domestic partnership. You must file other forms to end your marriage or registered domestic partnership. The court clerk can tell you where to get legal help.

**Can this order stop the other person from taking our children away?**

Yes. The judge can order the person named in the orders *not* to take the children out of California, or the county you live in, without your written agreement or another court order.

**What if I move?**

Your restraining order works anywhere in the United States. If you move out of California, contact your new local police so they will know about your orders. If you want to move with your minor children, you need the other parent's permission or a court order. (There are some exceptions. Talk to a lawyer.)

**Need more information?**

Ask the court clerk about free or low-cost legal help. Or call the National Domestic Violence Hotline:

**1-800-799-7233**

**TDD: 1-800-787-3224**

They can help you in more than 100 languages. It's free and private.

For help in your area, contact:

**DV-510-INFO**

**I Filled Out the Forms—What Now?**

- 1 **Take your forms to the court clerk.** The clerk will give your forms to the judge. The judge will look at them and decide whether to make the order. Sometimes the judge will want to talk to you. If so, the clerk will tell you.
- 2 **Find out if the judge made the temporary restraining order.** Ask the clerk when to come back to see if the judge signed the order (Form DV-110). The judge must decide by the next business day. Check to see if the judge made any changes.
- 3 **“File” the judge’s order.** If the judge signs the order, the clerk will “file” it. The clerk will keep the original for the court and give you 5 “filed” copies. If you need more, make them yourself.

**What to do with your copies:**

- Keep 1 copy with you, always. You may need to show it to the police.
- Keep another copy in a safe place.
- Give a copy to anyone else protected by the order.
- Take copies to places where the restrained person is ordered not to go (school, work, daycare, etc.)
- Give a copy to the security officers in your apartment building and workplace.

Restraining orders get entered into CLETS, a statewide computer system that lets police know about your order. The court will send the order to law enforcement or CLETS for you.

4 **Know your hearing date.**

Look at Form DV-110 for the date and time of your hearing.

You **must** go to your hearing to get a permanent order.

The order you have now only lasts for about 3 weeks.

**DV-110 Temporary Restraining Order and Notice of Hearing**

1 Name of person asking for protection (protected person):  
 Protected person's address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Telephone number: \_\_\_\_\_  
 Protected person's lawyer (if any): (Name, address, telephone number, and State Bar number): \_\_\_\_\_

2 Restrained person's name:  
 Description of that person. Sex:  M  F Height: \_\_\_\_\_  
 Weight: \_\_\_\_\_ Race: \_\_\_\_\_ Hair Color: \_\_\_\_\_  
 Eye Color: \_\_\_\_\_ Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

3 List the full names of all family or household members protected by this order:  
 Clerk will fill out section below:

4 **Court Hearing Date (Fecha de la Audiencia)**  
 Hearing Date: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_ Name and address of court if different from above:  
 Dept.: \_\_\_\_\_ City: \_\_\_\_\_

5 **Temporary Orders (Ordenes Temporales)**  
 Read this form carefully. All checked boxes  and items 10 and 11 are court orders.  
 Todas las ordenes hechas en este formulario terminan en la fecha y hora de la audiencia en (4) a menos que no, por las ordenes de la corte. Lea este formulario con cuidado. Todas las casillas marcadas  y los articulos 10 y 11 son ordenes de la corte.

**This is a Court Order.**  
 Temporary Restraining Order and Notice of Hearing (CLETS—TRO) (Domestic Violence Prevention)

DV-110, Page 1 of 5

## 5 “Serve” the restrained person.

Ask someone you know, a process server, or law enforcement to personally “serve” (give) the restrained person a copy of the order. You **cannot** send it by mail.

The server must:

- Be 18 or over
- Not be protected by the orders

Law enforcement will serve the orders\* for **free**, but you have to ask.

Use Form CH-101/DV-290 to ask for free service.

A “process server” is a business you pay to deliver court forms. Look in the Yellow Pages under “Process Serving.”\*

\*If law enforcement or the process server uses a different *Proof of Service* form, make sure the form lists all the forms served.

## 6 File your *Proof of Service* (Form DV-200).

The *Proof of Service* shows the judge and police that the restrained person got a copy of the order. Make 5 copies of the completed *Proof of Service*. Take the original and 5 copies to the court clerk as soon as possible **before your hearing**. The clerk will keep the original and give you back the copies stamped “Filed.” Bring a copy to your hearing.

Keep 1 copy with you and another in a safe place in case you need to show it to the police. Give the other copies out as you did in 3. The court will send your completed *Proof of Service* to law enforcement or CLETS for you. CLETS is a statewide computer system that lets police know about your order.

- If the sheriff serves your order, he or she will send the *Proof of Service* to the court and to CLETS for you.

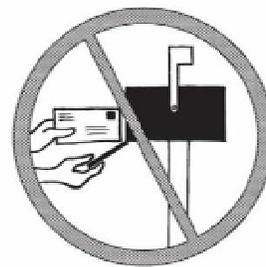
## 7 If the restrained person wasn’t served . . .

The restrained person **must** be served before the hearing. If the restrained person wasn’t served, fill out Form DV-125 to ask the judge for a new hearing date. Do this **before** or **at** your hearing. (If you wait until after the hearing, you have to start from the beginning.)

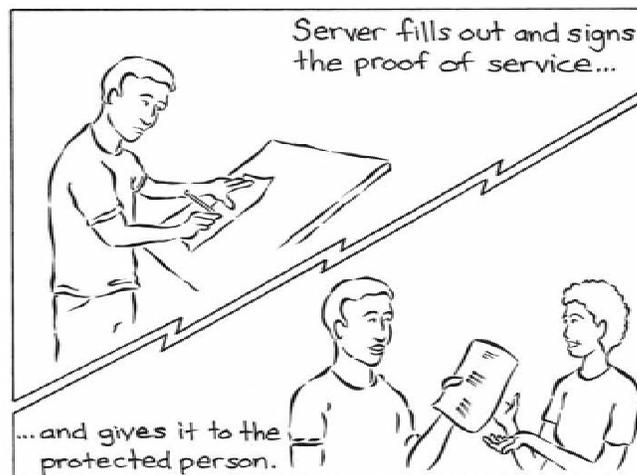
If the judge signs this order, the restraining order will last until the new hearing date.

- File the signed order (Form DV-125) with the clerk. The clerk will send it to law enforcement or CLETS for you.
- Attach it to your other court papers and get the restrained person served.
- If you didn’t file the original *Proof of Service*, bring it to your hearing.
- Bring a copy of Form DV-125 to your hearing.

After serving the orders, the server fills out and signs the *Proof of Service* and gives it to you.



*Don't serve by mail!*



**Be prepared.**

- Bring documents that support your case (police or medical reports, rental agreements or receipts, photos, bills, etc.). Bring 2 copies of all documents and filed forms, including the *Proof of Service*.
- You can bring a friend or relative (a “support” person), but that person must not talk for you in court.
- You can bring a witness to help support your case. Witnesses may or may not be permitted to testify. But you can bring a written statement of what the witness saw or heard. You must file and serve witness statements at the same time that you file Forms DV-100 and DV-110.
- Most courtrooms do not allow children. Ask if there is a children’s waiting room in the courthouse.

**Don't miss your hearing!**

If you miss it, the restraining orders will end and you will have to start from the beginning.

**Get there 30 minutes early.**

- Find the courtroom.
- When the courtroom opens, go in and tell the clerk or officer that you are present.
- If you are afraid of the restrained person, tell the officer.
- Watch the other cases so you will know what to do.
- When your name is called, go to the front of the courtroom.
- Your hearing may last just a few minutes or up to an hour or more. However, you may be at court several hours, depending on the number of other cases.

**What if you don't speak English?**

When you file your papers, tell the clerk you will need an interpreter. If a court interpreter is not available, bring someone to interpret for you. Do not ask a child, a protected person, or a witness to interpret for you.

**What if you are deaf or hard of hearing?****Requests for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk’s office or go to [www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms) for *Request for Accommodations by Persons With Disabilities and Order* (Form MC-410). (Civil Code, § 54.8.)

**Practice what you want to say.**

Make a list of the orders you want and practice saying them. Do not take more than 3 minutes to say what you want.

If you get nervous at the hearing, just read from your list. Use that list to see if the judge has made every order you asked for.

**The judge may ask questions.**

- Tell the truth. Speak slowly. You can read from your list.
- The restrained person or his or her lawyer may also ask you questions.
- Give complete answers.
- If you don't understand, say “I don’t understand the question.”
- If the restrained person lies in court, wait until he or she finishes talking. Then tell the judge.
- Speak only to the judge unless it is your turn to ask questions.
- When people are talking to the judge, wait for them to finish. Then you can ask them questions about what they said.

### The judge will decide.

- At the hearing, the judge will consider whether denial of any orders will risk your safety or the safety of children for whom you are requesting custody, visitation, or child support. The judge will also consider safety concerns about your financial needs and the children's.
- At the end of the hearing, the judge will say what the orders are.
- Make sure your Form DV-130 says what the judge has ordered. Sometimes the clerk fills out the form for you. If not, fill it out yourself. If you filled it out before the hearing, you may have to make changes.
- Review it and make sure you understand. If anything is wrong or missing, tell the clerk right away.
- If the judge makes the orders, the judge will sign your Form DV-130. Take it to the clerk to file it. The clerk will give you up to 5 copies.

### The judge may “continue” your case.

This means you have to come back another day. The judge can do this if:

- The restrained person needs time to get a lawyer or prepare an answer
- The judge wants more information
- Your hearing is taking longer than planned

Ask the judge to extend the temporary orders until the new hearing date.

Ask the clerk for the forms you need.

### What about child custody or visitation?

- If you need child custody or visitation orders, the judge will send you to mediation. Mediation helps parents agree on a plan for custody and visitation that is best for the children.
- If you are sent to mediation, the judge may make your restraining, custody, and visitation orders last until the next hearing or until another court order.
- Either parent can ask to meet with the mediator separately. You can bring a support person with you to mediation. A support person can provide emotional support but cannot speak for you.

### What happens after the hearing?

- Ask the clerk if the court will fill out Form DV-130 for you. If not, fill it out.
- If the judge makes the orders, go to the clerk and file Form DV-130. The clerk will send it to law enforcement or CLETS for you. CLETS is a statewide computer system that lets police know about the order.
- Take a copy of DV-130 to your local police or sheriff if the clerk does not send it for you.
- If the restrained person was at the hearing, you can have him or her served with a copy of Form DV-130 by mail. Ask the server to complete Form DV-250 and give it back to you after he or she mails Form DV-130.
- If the restrained person was not at the hearing, but the judge's orders are the *same* as the temporary order, you can have him or her served with a copy of DV-130 by mail. Ask the server to complete Form DV-250 and give it back to you.
- If the restrained person was not at the hearing, and the judge's orders are *different* from the temporary order, you must have someone serve Form DV-130 in person, not by mail. Ask the server to complete Form DV-200 and give it back to you.

### Remember: You and other protected people cannot serve the orders.

The sheriff or marshal will serve the orders for free. Ask the court clerk if you need to file more forms. You may need Form CH-101/DV-290 and Form 982(a)(17). Otherwise, take your *Proof of Service* (Form DV-200 or DV-250) to the clerk and file it. Keep a copy. Read Form DV-210-INFO for help.

**DV-530-INFO** How to Enforce Your Order**Get copies.**

Get copies of your restraining order and *Proof of Service* from the court clerk:

- Keep 1 copy with you, always. You may need to show it to the police.
- Keep another copy in a safe place.
- Give a copy to anyone else protected by the order.
- Take copies to places where the restrained person is ordered not to go (school, work, daycare, etc.).
- Give a copy to the security officers in your apartment building and workplace.

**If any problems, call the police.**

Call the police *right away* if the restrained person violates any of the orders. Also:

- Write down what happened, when, where, and the names of any witnesses.
- Get copies of police reports.
- If you are hurt, get copies of medical reports.

Even if you haven't served the orders yet, call the police.

Show the police a copy of your orders. If the restrained person is there, ask the officer to serve the orders. If the officer serves the orders, he or she will send the *Proof of Service* to the court and CLETS for you. CLETS is a statewide computer system that lets police know about your order.



*If you're in danger, call 911!*

**Police can arrest.**

It is a crime to disobey the judge's orders.

The restrained person can:

- Be fined *or*
- Go to jail

Ask your local district attorney (D.A.) how he or she will handle your case. The D.A. may file criminal or contempt charges. You can always call the D.A. for information about a criminal case.

You can also file a civil contempt action. Ask the court clerk for forms.

**Guns**

The restrained person cannot

- own
- have
- buy or try to buy

a gun or firearm while the order is in effect. If the person does, he or she can go to jail and pay a fine of \$1,000.

Penal Code section 11106 authorizes a law enforcement officer to give you information about any firearms the restrained person has registered, transferred, or sold. You may disclose the information as needed to protect yourself or someone else.

**DV-540-INFO****Information for the Restrained Person****What is a restraining order?**

It is a court order.

**What does the order do?**

It can order you to:

- Not contact or go near the protected person
- Not have a gun while the order is in effect
- Move out of the house
- Follow child custody and visitation orders
- Pay child support and
- Pay spousal support

**Read the order carefully. If you disobey the order, you can go to jail or be fined.**

**What if I have a gun?**

You cannot own, possess, or have a gun or firearm while the order is in effect. If you have a gun now, you must sell it to a licensed gun dealer or turn it in to police. Read Form DV-810-INFO.

**Should I go to the hearing?**

Yes. Go to court on the hearing date listed on page 1 of Form DV-110. If you do not go to court, the judge can make the orders without hearing from you.

**How do I tell my side of the story?**

File Form DV-120 before the hearing date. Also, have someone mail it to the person who asked for the order or to the person's lawyer. This is "Service." The person who mails it must fill out and sign a *Proof of Service by Mail* (Form DV-250). File the *Proof of Service* with the court clerk. Keep a copy.

**Do I have to get a lawyer?**

No. But it is a good idea, especially if you have children. Ask the clerk how to find free or low-cost legal services.

**What if I also have criminal charges against me?**

See a lawyer. Anything you say or write can be used against you in your criminal case.

**What if I am a victim of domestic violence?**

Call the National Domestic Violence Hotline:

**1-800-799-7233**

**TDD: 1-800-787-3224**

Ask who can help you file a restraining order.

**DV-110 Temporary Restraining Order and Notice of Hearing**

1 Name of person asking for protection (protected person):  
 Protected person's address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):  
 City: State: Zip:  
 Telephone number: State: Zip:  
 Protected person's lawyer (if any): (Name, address, telephone number, and State Bar number):

2 Restrained person's name:  
 Description of that person: Sex:  M  F Height: \_\_\_\_\_  
 Weight: \_\_\_\_\_ Race: \_\_\_\_\_ Hair Color: \_\_\_\_\_  
 Eye Color: \_\_\_\_\_ Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

3 List the full names of all family or household members protected by this order:  
 Clerk will fill out section below:

4 Court Hearing Date (Fecha de la Audiencia)  
 Hearing Date: Date: \_\_\_\_\_ Time: \_\_\_\_\_  
 Dept.: \_\_\_\_\_ City: \_\_\_\_\_  
 Name and address of court if different from above:  
 To the person in (2): At the hearing, the judge can make restraining orders that last for up to 5 years. The judge can also make other orders about your children, child support, spousal support, money, and property. File an answer on Form DV-120 before the hearing. At the hearing, you can tell the judge that you do not want the orders against you. Even if you do not attend the hearing, you must obey the orders.  
 Para la persona nombrada en (2): En esta audiencia el juez puede hacer que la orden de restricción sea válida hasta un máximo de 5 años. El juez puede también hacer otras órdenes acerca de niños, manutención, dinero y propiedad. Presente sus respuestas en el formulario DV-120 antes de la audiencia. Si Usted se opone a estas órdenes, vaya a la audiencia y aparezca al juez. Aunque no vaya a la audiencia, tiene que obedecer estas órdenes.

5 Temporary Orders (Órdenes Temporales)  
 Read this form carefully. All checked boxes  and items 10 and 11 are court orders.  
 Todas las órdenes hechas en este formulario son órdenes en la fecha y hora de la audiencia en (4), al menos que no pases las excepciones. Lea este formulario con cuidado. Todas las casillas marcadas  y los artículos 10 y 11 son órdenes de la corte.

**This is a Court Order.**  
 Temporary Restraining Order and Notice of Hearing (CLETS—TRO) (Domestic Violence Prevention)

DV-110, Page 1 of 2



**Can I bring a witness to the court hearing?**

You can bring witnesses or documents that support your case, but the judge may not have enough time to talk to the witnesses. So bring their written statements of what they saw or heard. *You must file and mail witness statements at least 10 days before the hearing or when you mail your Answer (Form DV-120) to the protected person.*

**Will I see the protected person at the court hearing?**

If the protected person comes to the hearing, you will see him or her. Do not talk to the protected person unless the judge says you can.

**How long does the order last?**

The first (temporary) order lasts until your next court date. At that time, the judge will decide to grant or deny a longer-term order. That order can last for up to 5 years. Spousal support orders can last longer than 5 years. Custody, visitation, and child support orders can last until the child turns 18.

**What if the protected person contacts me?**

No matter what, you have to follow the court order. The order does not affect the protected person. It only affects what *you* can do. Tell the protected person you cannot have contact.

**Can I agree with the protected person to cancel the order?**

No. Only the judge can change or cancel the order.

**What happens if I don't obey the court order?**

The police can arrest you. You can go to jail and pay a fine.

**What if I don't have a green card?**

The order is valid whether you have a green card or not. If you are worried about being deported, talk to an immigration lawyer.

**What if I don't speak English?**

Ask someone who speaks English to call the court clerk before your hearing and ask for a court interpreter. If the interpreter is not available, bring someone to interpret for you. Do not ask a child, a witness, or a protected person to interpret for you.

**What if I am deaf or hard of hearing?****Requests for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk's office or go to [www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms) for *Request for Accommodations by Persons With Disabilities and Order* (Form MC-410). (Civil Code, § 54.8.)

**Be prepared.**

- Bring documents that support your case (police or medical reports, rental agreements or receipts, pictures, bills, etc.).
- You can bring a witness to help support your case. Witnesses may or may not be permitted to testify. But you can bring a written statement of what the witness saw or heard. (You must file and serve witness statements by mail or in person, along with your *Answer* (Form DV-120). Bring filed copies of your *Answer* and *Proof of Service* [Form DV-250] to your hearing.)
- Most courtrooms do not allow children. Ask the court clerk if there is a children's waiting room in the courthouse.
- **Don't miss the hearing! If you miss it, the judge can make the orders without hearing from you.**

**Get there 30 minutes early.**

- Find the courtroom.
- When the courtroom opens, go in and tell the clerk or officer that you are present.
- If the person who asked for the order is present, do not sit near or talk to him or her.
- Watch the other cases so you will know what to do.
- When your name is called, go to the front of the courtroom.
- Your hearing may last just a few minutes or up to an hour or more. However, you may be at court several hours, depending on the number of other cases.

**What if I don't speak English?**

Ask someone who speaks English to call the court clerk before your hearing and ask for a court interpreter. If the interpreter is not available, bring someone to interpret for you. Do not ask a child, a witness, or a protected person to interpret for you.

**What if I am deaf or hard of hearing?****Requests for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk's office or go to [www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms) for *Request for Accommodations by Persons With Disabilities and Order* (Form MC-410). (Civil Code, § 54.8.)

**Practice telling what you disagree with.**

Make a list of the orders you disagree with. Practice saying why you disagree. Do not take more than 3 minutes to say which orders you disagree with.

If you get nervous at the hearing, just read from your list. Use your list to make sure you have told the judge about each order you disagree with.

**The judge may ask questions.**

- Tell the truth. Speak slowly. You can read from your list.
- The other person or a lawyer may also ask you questions.
- Give complete answers.
- If you don't understand, say "I don't understand the question."
- If the other person lies in court, wait until he or she finishes talking. Then tell the judge.
- Speak only to the judge. Do not talk to the other person unless it is your turn to ask questions.
- When people are talking to the judge, wait for them to finish. Then you can ask them questions about what they said.
- Do not sit near or talk to the other person.

**The judge will decide.**

- At the end of the hearing, the judge will say what the orders are.
- You will be served with the *Restraining Order After Hearing* (Form DV-130) within a few days, by mail or in person.
- If anything on the Form DV-130 is different from what the judge ordered, talk to a lawyer right away. Or ask the court clerk how to find free or low-cost legal services.

**The judge may "continue" your case.**

This means you have to come back another day. The judge can do this if:

- You need more time to get a lawyer or prepare an answer
- The judge wants more information
- Your hearing is taking longer than planned

**If your case is continued . . .**

- The judge may make the orders last until the new hearing date.
- Bring all your papers back to court at the next hearing.

**What about child custody or visitation?**

- If you need child custody or visitation orders, the judge will send you to mediation. Mediation helps parents agree on a plan for custody and visitation that is best for the children.
- If you are sent to mediation, the judge may make your temporary custody and visitation orders last until the next hearing or until another court order.
- Either parent can ask to meet with the mediator separately.

**What happens after the hearing?**

- If the judge makes the orders, you must obey them. If you don't, you can be arrested.
- If you do not receive a copy of the orders, ask the clerk for a copy, or talk to a lawyer.

**1 What does “renew” mean?**

- If the judge “renews” your *Restraining Order After Hearing* (Form DV-130), it will have a new end date.
- The order will last longer than the current order.

**2 When do I ask for the renewal?**

Before your current Form DV-130 ends.

**3 How long can the new order last?**

There is no limit on the number of years it can last. The order can be permanent.

**4 How much does it cost?**

Nothing.

**5 Do I have to go to court?**

Yes. Go to court on the date the clerk gives you. If you do not, your order will end.

**6 Fill out:**

- DV-700 (*Request to Renew Restraining Order*)
- DV-710 (*Notice of Hearing to Renew Restraining Order*)

**7 What next?**

- Make at least 2 copies of those forms.
- Attach a copy of your current *Restraining Order After Hearing* (Form DV-130) to Form DV-700.

**8 Take your forms to the court clerk.**

The clerk will give your forms to the judge for signature. Sometimes the judge may want to talk to you. If so, the clerk will tell you. If the judge signs Form DV-170, the court will send it to law enforcement or CLETS for you. CLETS is a statewide computer system that lets police know about your order.

**9 The clerk or judge will set a hearing date.**

You must go to the hearing. Form DV-710 will tell you when and where it will be.

**DV-710 Notice of Hearing to Renew Restraining Order**

1. Protected person's name: \_\_\_\_\_

Protected person's address (skip this if you have a lawyer; if you want your address to be private, give a mailing address instead): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Your phone # (optional): (\_\_\_\_) \_\_\_\_\_

Your lawyer (if you have one): Name, address, phone #, and State Bar #: \_\_\_\_\_

2. Restrained person's name: \_\_\_\_\_

Describe that person: Sex:  M  F Race: \_\_\_\_\_ Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_ Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

3. Court Hearing: The judge has set a court hearing date: \_\_\_\_\_

The current restraining orders stay in effect until the hearing date. Name and address of court if different from above: \_\_\_\_\_

4. To the person in 49: At the hearing, the judge can make restraining orders that last forever. At the hearing, you can tell the judge if you do not want the orders against you. Also, you can file a written answer on Form MC-300. Even if you do not attend the hearing, you must obey the restraining orders.

5. Service and Answer

For Person Asking for Order: Someone I'm not — not you or anyone else personally "serve" a copy of this order and a copy of the original Restraining Order After Hearing to the person in 49 at least \_\_\_\_\_ days before the hearing.

For Person Served With Order: Have someone I'm not — not you — "serve" a copy of your answer on the person in 49 by mail and file it with the court at least \_\_\_\_\_ days before the hearing.

Date: \_\_\_\_\_

**This is a Court Order.**

Notice of Hearing to Renew Restraining Order (CLETS) (Domestic Violence Prevention) DV-710, Page 1 of 1

**10 Personally serve the restrained person with a copy of these forms:**

- DV-700 (*Request to Renew Restraining Order*)
- DV-710 (*Notice of Hearing to Renew Restraining Order*)
- Your current DV-130 (*Restraining Order After Hearing*)
- MC-030 (*Declaration*)—Leave it blank for the restrained person to answer.

For information on “service,” read Form DV-210-INFO. Someone over 18—not you or anyone protected by the restraining order—can serve the order.

**This is not a Court Order.**



### 11 File your *Proof of Service*.

- The *Proof of Service* (Form DV-200) shows the judge that the restrained person knows about the hearing date.
- Make 5 copies of the original *Proof of Service*.
- Take the original and the copies to the court clerk at least 2 days before your hearing. The clerk will file the original and give you back the copies stamped “Filed.”
- The clerk will send the *Proof of Service* to law enforcement or CLETS for you. CLETS is a statewide computer system that lets police know about your order.

### 12 Go to the court hearing.

At the hearing, the judge will decide whether or not to renew the order.

### 13 If the judge renews the order at the hearing . . .

- A new *Restraining Order After Hearing* (Form DV-130) will need to be filled out. Some courts will do this for you. In other courts, you will have to do it yourself. Ask the court clerk for information on the local process. The judge will sign the new Form DV-130 after it is filled out.
- The clerk will file the original and give you up to 5 stamped copies.
- The court will send the new Form DV-130 to law enforcement or CLETS for you. CLETS is a statewide computer system that lets police know about the order.
- If the restrained person was at the hearing, you can have him or her served with a copy of Form DV-130 by mail. Ask the server to complete Form DV-250 and give it to you.
- If the restrained person was not at the hearing, you must have someone serve Form DV-130 in person, not by mail. Ask the server to complete Form DV-200 and give it to you.

### 14 File your *Proof of Service*.

- Make 5 copies of the completed *Proof of Service* (Form DV-200 or DV-250).
- Mail or take the original and the copies to the court clerk. The clerk will file the original and give you back the copies stamped “Filed.”
- Keep one copy with you and another in a safe place in case you need to show it to the police.
- The court or the sheriff (if the sheriff serves the order) will send the *Proof of Service* to CLETS for you.

**This is not a Court Order.**

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i>  <hr style="width: 20px; margin-left: 0;"/>  TELEPHONE NO.: _____ FAX NO. <i>(Optional):</i> _____ E-MAIL ADDRESS <i>(Optional):</i> _____ ATTORNEY FOR <i>(Name):</i> _____	<b>FOR COURT USE ONLY</b>  <b>DRAFT 4</b> <b>03/16/06 mc</b> <b>Not approved by the</b> <b>Judicial Council</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b>  STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER:  RESPONDENT:	
<b>DECLARATION UNDER UNIFORM CHILD CUSTODY                  JURISDICTION AND ENFORCEMENT ACT (UCCJEA)</b>	CASE NUMBER:

1. I am a party to this proceeding to determine custody of a child.
2.  My present address is not disclosed. It is confidential under Family Code section 3429. I have listed the address of the children presently residing with me as confidential.
3. *(Number):* \_\_\_\_\_ minor children are subject to this proceeding as follows:  
***(Insert the information requested below. The residence information must be given for the last FIVE years.)***

a. Child's name		Place of birth	Date of birth	Sex
Period of residence	Address	Person child lived with <i>(name and present address)</i>		Relationship
to present	<input type="checkbox"/> Confidential			
to				

b. Child's name		Place of birth	Date of birth	Sex
<input type="checkbox"/> Residence information is the same as given above for child a. <i>(If NOT the same, provide the information below.)</i>				
Period of residence	Address	Person child lived with <i>(name and present address)</i>		Relationship
to present	<input type="checkbox"/> Confidential			
to				
to				
to				

C.  Additional children are listed on Attachment 3c. *(Provide all requested information for additional children.)*

SHORT TITLE: _____	CASE NUMBER: _____
-----------------------	-----------------------

4. Have you participated as a party or a witness or in some other capacity in another litigation or custody proceeding, in California or elsewhere, concerning custody of a child subject to this proceeding?

No  Yes (If yes, provide the following information):

- a. Name of each child: \_\_\_\_\_
- b. I was a:  party  witness  other (specify): \_\_\_\_\_
- c. Court (specify name, state, location): \_\_\_\_\_
- d. Court order or judgment (date): \_\_\_\_\_

5. Do you have information about a custody proceeding pending in a California court or any other court concerning a child in this case, other than that stated in item 4?

No  Yes (If yes, provide the following information):

- a. Name of each child: \_\_\_\_\_
- b. Nature of proceeding:  dissolution or divorce  guardianship  adoption  other (specify): \_\_\_\_\_
- c. Court (specify name, state, location): \_\_\_\_\_
- d. Status of proceeding: \_\_\_\_\_

6.  One or more domestic violence restraining /protective orders are now in effect. (Attach a copy of the orders if you have one.)  
The orders are from the following court or courts (specify county and state):

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> Criminal: County/state: _____<br/>Case No. (if known): _____</li> <li>b. <input type="checkbox"/> Family: County/state: _____<br/>Case No. (if known): _____</li> </ul> | <ul style="list-style-type: none"> <li>c. <input type="checkbox"/> Juvenile: County/state: _____<br/>Case No. (if known): _____</li> <li>d. <input type="checkbox"/> Other: County/state: _____<br/>Case No. (if known): _____</li> </ul> |
|--|---|

7. Do you know of any person who is not a party to this proceeding who has physical custody or claims to have custody of or visitation rights with any child in this case?

No  Yes (If yes, provide the following information):

<p>a. Name and address of person</p>   <p><input type="checkbox"/> Has physical custody  <input type="checkbox"/> Claims custody rights  <input type="checkbox"/> Claims visitation rights</p>	<p>b. Name and address of person</p>   <p><input type="checkbox"/> Has physical custody  <input type="checkbox"/> Claims custody rights  <input type="checkbox"/> Claims visitation rights</p>	<p>c. Name and address of person</p>   <p><input type="checkbox"/> Has physical custody  <input type="checkbox"/> Claims custody rights  <input type="checkbox"/> Claims visitation rights</p>
Name of each child	Name of each child	Name of each child

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_
\_\_\_\_\_

(TYPE OR PRINT NAME)
(SIGNATURE OF DECLARANT)

8.  Number of pages attached after this page:

**NOTICE TO DECLARANT: You have a continuing duty to inform this court if you obtain any information about a custody proceeding in a California court or any other court concerning a child subject to this proceeding.**

PETITIONER:  RESPONDENT:	CASE NUMBER:
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**APPLICATION FOR ORDER AND SUPPORTING DECLARATION**  
**—THIS IS NOT AN ORDER—**

**Petitioner**    **Respondent**    **Claimant**   requests the following orders:

1.  **CHILD CUSTODY**       **To be ordered pending the hearing**
- |                             |  |  |
|-----------------------------|--|--|
| a. <u>Child (name, age)</u> | b. <u>Legal custody to (person who makes decisions about health, education, etc.) (name)</u> | c. <u>Physical custody to (person with whom child lives.) (name)</u> |
|-----------------------------|--|--|

**Modify existing order**  
 (1) filed on *(date)*:  
 (2) ordering *(specify)*:

As requested in form    FL-311    FL-312    FL-341(C)    FL-341(D)    FL-341(E)

2.  **CHILD VISITATION**       **To be ordered pending the hearing**

- a. As requested in:   (1)  Attachment 2a   (2)  Form FL-311   (3)  Other *(specify)*:
- b.  **Modify existing order**  
 (1) filed on *(date)*:  
 (2) ordering *(specify)*:
- c.  One or more domestic violence restraining/protective orders are now in effect. *(Attach a copy of the orders if you have one.)* The orders are from the following court or courts *(specify county and state)*:
- |  |  |
|--|--|
| (1) <input type="checkbox"/> Criminal: County/state: _____<br>Case No. <i>(if known)</i> : _____ | (3) <input type="checkbox"/> Juvenile: County/state: _____<br>Case No. <i>(if known)</i> : _____ |
| (2) <input type="checkbox"/> Family: County/state: _____<br>Case No. <i>(if known)</i> : _____   | (4) <input type="checkbox"/> Other: County/state: _____<br>Case No. <i>(if known)</i> : _____    |

3.  **CHILD SUPPORT** *(An earnings assignment order may be issued.)*

- |                             |  |
|-----------------------------|--|
| a. <u>Child (name, age)</u> | b. <u>Monthly amount (if not by guideline)</u><br>\$ |
|-----------------------------|--|
- c.  **Modify existing order**  
 (1) filed on *(date)*:  
 (2) ordering *(specify)*:

4.  **SPOUSAL OR PARTNER SUPPORT** *(An earnings assignment order may be issued.)*

- |  |   |
|--|---|
| a. <input type="checkbox"/> Amount requested <i>(monthly)</i> : \$   | c. <input type="checkbox"/> <b>Modify existing order</b>        |
| b. <input type="checkbox"/> <b>Terminate existing order</b><br>(1) filed on <i>(date)</i> :<br>(2) ordering <i>(specify)</i> : | (1) filed on <i>(date)</i> :<br>(2) ordering <i>(specify)</i> : |

5.  **ATTORNEY FEES AND COSTS**   a.  Fees: \$      b.  Costs: \$

**NOTE: To obtain domestic violence restraining orders, you must use the forms *Request for Order (Domestic Violence Prevention)* (form DV-100) and *Temporary Restraining Order and Notice of Hearing (Domestic Violence Prevention)* (form DV-110).**

PETITIONER:  RESPONDENT:	CASE NUMBER:
--------------------------------	--------------

6.  PROPERTY RESTRAINT  **To be ordered pending the hearing**
- a. The  petitioner  respondent  claimant is restrained from transferring, encumbering, hypothecating, concealing, or in any way disposing of any property, real or personal, whether community, quasi-community, or separate, except in the usual course of business or for the necessities of life.
- The applicant will be notified at least five business days before any proposed extraordinary expenditures, and an accounting of such will be made to the court.
- b.  Both parties are restrained and enjoined from cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance or other coverage, including life, health, automobile, and disability, held for the benefit of the parties or their minor children.
- c.  Neither party may incur any debts or liabilities for which the other may be held responsible, other than in the ordinary course of business or for the necessities of life.
7.  PROPERTY CONTROL  **To be ordered pending the hearing**
- a.  The petitioner  respondent is given the exclusive temporary use, possession, and control of the following property that we own or are buying (*specify*):
- b.  The petitioner  respondent is ordered to make the following payments on liens and encumbrances coming due while the order is in effect:
- | <u>Debt</u> | <u>Amount of payment</u> | <u>Pay to</u> |
|-------------|--------------------------|---------------|
|             |                          |               |
8.  **I request** that time for service of the *Order to Show Cause* and accompanying papers be shortened so that these documents may be served no less than (*specify number*): \_\_\_\_\_ days before the time set for the hearing. I need to have the order shortening time because of the facts specified in the attached declaration.
9.  OTHER RELIEF (*specify*):
10.  **FACTS IN SUPPORT** of relief requested and change of circumstances for any modification are (*specify*):  contained in the attached declaration.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

_____ (TYPE OR PRINT NAME)		_____ (SIGNATURE OF APPLICANT)
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PETITIONER/PLAINTIFF:  RESPONDENT/DEFENDANT:	CASE NUMBER:
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3.  **The court acknowledges** that criminal protective orders in case number *(specify)*:  
 in *(specify court)*: relating to the parties in this case are in effect  
 under Penal Code section 136.2, are current, and have priority of enforcement.
  
4.  **Supervised visitation.** Until  further order of the court  other *(specify)*:  
 the  petitioner  respondent will have supervised visitation with the minor children according to the schedule  
 set forth on page 1. **(You must attach form FL-341(A).)**
  
5.  **Transportation for visitation**
  - a.  Transportation **to** the visits will be provided by the  petitioner  respondent  
 other *(specify)*:
  - b.  Transportation **from** the visits will be provided by the  petitioner  respondent  
 other *(specify)*:
  - c.  Drop-off of the children will be at *(address)*:
  - d.  Pick-up of the children will be at *(address)*:
  - e.  The children will be driven only by a licensed and insured driver. The car or truck must have legal child restraint  
 devices.
  - f.  During the exchanges, the parent driving the children will wait in the car and the other parent will wait in his or  
 her home while the children go between the car and the home.
  - g.  Other *(specify)*:
  
6.  **Travel with children.** The  petitioner  respondent  other *(name)*:  
**must** have written permission from the other parent or a court order to take the children out of
  - a.  the state of California.
  - b.  the following counties *(specify)*:
  - c.  other places *(specify)*:
  
7.  **Child abduction prevention.** There is a risk that one of the parents will take the children out of California without the other  
 parent's permission. Form FL-341(B) is attached and must be obeyed.
  
8.  **Holiday schedule.** The children will spend holiday time as listed in the attached  form FL-341(C)  
 other *(specify)*:
  
9.  **Additional custody provisions.** The parents will follow the additional custody provisions listed in the attached  
 form FL-341(D)  other *(specify)*:
  
10.  **Joint legal custody.** The parents will share joint legal custody as listed in the attached  form FL-341(E)  
 other *(specify)*:
  
11.  **Other** *(specify)*:
  
12. **Jurisdiction.** This court has jurisdiction to make child custody orders in this case under the Uniform Child Custody Jurisdiction and  
 Enforcement Act (part 3 of the California Family Code, commencing with section 3400).
  
13. **Notice and opportunity to be heard.** The responding party was given notice and an opportunity to be heard, as provided by the  
 laws of the State of California.
  
14. **Country of habitual residence.** The country of habitual residence of the child or children in this case is  
 the United States  other *(specify)*:
  
15. **Penalties for violating this order.** If you violate this order, you may be subject to civil or criminal penalties, or both.

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i>   TELEPHONE NO.: _____ FAX NO. <i>(Optional):</i> _____ E-MAIL ADDRESS <i>(Optional):</i> _____ ATTORNEY FOR <i>(Name):</i> _____	<b>FOR COURT USE ONLY</b>   <b>Draft 10 03/23/06 xyz Not approved by the Judicial Council</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b>  STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
<b>CUSTODY ORDER—JUVENILE—FINAL JUDGMENT</b>	CASE NUMBERS: JUVENILE: FAMILY <i>(existing, if applicable; otherwise, new):</i>

1. a. Date of hearing: \_\_\_\_\_ Dept.: \_\_\_\_\_
- b. Judicial officer *(name)*:
- c. Jurisdiction: This court has jurisdiction to make child custody orders in this case under the Uniform Child Custody Jurisdiction and Enforcement Act (part 3 of the California Family Code commencing with section 3400).
- d. Notice and opportunity to be heard: The responding party was given notice and an opportunity to be heard as provided by the laws of the State of California.
- e. Country of habitual residence: The country of habitual residence of the child or children in this case is  
 the United States of America     other *(specify)*:
- f. Penalties for violating this order: If you violate this order you may be subject to civil or criminal penalties, or both.

**THE COURT FINDS AND ORDERS**

2. **Mother** *(name)*:  
**Father** *(name)*:  
 are the parents of the children listed in item 3. Mother and father     are     are not    married.
3. **Custody of the minor children** is ordered as follows:  

<u>Child's name</u>	<u>Date of birth</u>	<u>Legal custody to</u>	<u>Physical custody to</u>	<u>Primary residence with</u>
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4.  **Mother's visitation rights.** The mother may visit the minor children as follows:  
 All children listed in item 3     The following children *(name each)*:
  - a.  As arranged by the parents
  - b.  As set forth on form JV-205
  - c.  Supervised as set forth on form JV-205
  - d.  No visitation

CHILD'S NAME:  	CASE NUMBERS: JUVENILE: FAMILY:
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5.  **Father's visitation rights.** The father may visit the minor children as follows:  
 All children listed in item 3     The following children (*name each*):
- a.  As arranged by the parents
  - b.  As set forth on form JV-205
  - c.  Supervised as set forth on form JV-205
  - d.  No visitation

6.  Mother     Father    may not change the residence of the children for more than 30 days without notice to the other parent under Family Code section 3024 unless there is prior written agreement to the change.

7.  **Child abduction prevention orders are attached on form FL-341(B).**

8.  **Paternity.** (*Name*): \_\_\_\_\_ was declared  
the father of (*names*): \_\_\_\_\_

by court order (*specify county and case number*):  
 juvenile court     family court     other (*specify*):  
on (*dates*): \_\_\_\_\_

9. **As of the date below, the juvenile court**
- a.  has terminated jurisdiction over the children listed in item 3; requests for any modifications of these orders must be brought in the family court case in which these orders are filed under Welfare and Institutions Code section 302(d) or 726.5(c).
  - b.  has not terminated jurisdiction over the children listed in item 3; requests to modify these orders must be brought in juvenile court. When the juvenile court terminates jurisdiction over the children, requests for modifications must be brought in family court.

10.  This order reflects a change in physical custody of the child or children to the custody of a formerly noncustodial parent for the reasons stated on the record.

11.  A criminal protective order on form CR-160 is in effect: case number (*specify*): \_\_\_\_\_  
(*expiration date*): \_\_\_\_\_ in (*specify county, if known*): \_\_\_\_\_

**Conflicting Orders**

If a criminal restraining order (form CR-160) conflicts with a juvenile custody or visitation order (form JV-200 or JV-205), a law enforcement agency must enforce the criminal order. Even if the criminal order is older, the officer must still enforce it over the juvenile order. (Penal Code, § 136.2(h).) Any nonconflicting terms of the juvenile restraining order remain in full force. An emergency protective order (form EPO-001) that is in effect between the same parties and that is more restrictive than other restraining orders takes precedence over all other restraining orders. (Pen. Code, § 136.2.)

12. **Other orders** (*specify*):

- Continued on Attachment 12.
- Restraining order (form JV-250) is attached.

13. The  clerk of the juvenile court     parent given custody     parent's attorney     county counsel must transmit this order within 10 calendar days to the clerk of the court of any county in which a custody proceeding involving the child is pending or, if no such case exists, to the clerk of the court of the county in which the parent given custody resides. The clerk of the receiving court must, immediately upon receipt of this order, file the order in the pending case or, if no such case exists, open a file without a filing fee and assign a case number.

CHILD'S NAME:  _____	CASE NUMBERS: JUVENILE: FAMILY:
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14. The clerk of the receiving court must send by first-class mail an endorsed filed copy of this order, showing the case number of the receiving court, to:
- a.  Mother (*name and address*):
  - b.  Father (*name and address*):
  - c.  Children (*names and addresses*):
  - d.  Children's attorney (*name and address*):
  - e.  Social worker (*name and address*):
  - f.  Probation officer (*name and address*):
  - g.  Other (*names and addresses*):

**and** to the originating juvenile court with a completed clerk's certificate of mailing (*see below*).

Date: \_\_\_\_\_ JUDICIAL OFFICER OF THE JUVENILE COURT

**CLERK'S CERTIFICATE OF MAILING**  
*(To be completed by clerk of receiving court)*

I certify that I am not a party to this cause and that an endorsed filed copy of the foregoing order was mailed as follows: Each copy was enclosed in an envelope with postage fully prepaid. The envelopes were addressed to the originating court and to each person whose name and address are given in item 4. Each envelope was sealed and deposited with the United States Postal Service

at (*place*):  
on (*date*):

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

CHILD'S NAME:  _____	CASE NUMBERS: JUVENILE: FAMILY:
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**VISITATION ORDER—JUVENILE**  
**Attachment to Custody Order—Juvenile (form JV-200)**

1.  **VISITATION**

a.  As set forth in the attached visitation agreement.

b.  Specific visitation as follows:

(1)  **WEEKENDS** (specify starting date): \_\_\_\_\_

Father  Mother will have the children with him or her:

First weekend of the month (specify day(s) and times): from \_\_\_\_\_ at \_\_\_\_\_  a.m.  p.m.  
to \_\_\_\_\_ at \_\_\_\_\_  a.m.  p.m.

Second weekend of the month (specify day(s) and times): from \_\_\_\_\_ at \_\_\_\_\_  a.m.  p.m.  
to \_\_\_\_\_ at \_\_\_\_\_  a.m.  p.m.

Third weekend of the month (specify day(s) and times): from \_\_\_\_\_ at \_\_\_\_\_  a.m.  p.m.  
to \_\_\_\_\_ at \_\_\_\_\_  a.m.  p.m.

Fourth weekend of the month (specify day(s) and times): from \_\_\_\_\_ at \_\_\_\_\_  a.m.  p.m.  
to \_\_\_\_\_ at \_\_\_\_\_  a.m.  p.m.

Fifth weekend of the month (specify day(s) and times): from \_\_\_\_\_ at \_\_\_\_\_  a.m.  p.m.  
to \_\_\_\_\_ at \_\_\_\_\_  a.m.  p.m.

(2)  **ALTERNATE WEEKENDS** (specify starting date): \_\_\_\_\_

Father  Mother will have the children with him or her (specify day(s) and times): from \_\_\_\_\_  
at \_\_\_\_\_  a.m.  p.m. to \_\_\_\_\_ at \_\_\_\_\_  a.m.  p.m.

(3)  **MID-WEEK**

Father  Mother will have the children with him or her (specify day(s) and times): from \_\_\_\_\_  
at \_\_\_\_\_  a.m.  p.m. to \_\_\_\_\_ at \_\_\_\_\_  a.m.  p.m.

(4)  **Other** (specify days and times as well as any additional conditions):

Continued on Attachment 1b(4).

c.  A criminal protective order on form CR-160 is in effect: case number (specify): \_\_\_\_\_  
(expiration date): \_\_\_\_\_ in (specify county, if known): \_\_\_\_\_

**Conflicting Orders**

If a criminal restraining order (form CR-160) conflicts with a juvenile custody or visitation order (form JV-200 or JV-205), a law enforcement agency must enforce the criminal order. Even if the criminal order is older, the officer must still enforce it over the juvenile order. (Penal Code, § 136.2(h).) Any nonconflicting terms of the juvenile custody or visitation order remain in full force. An emergency protective order (form EPO-001) that is in effect between the same parties and that is more restrictive than other restraining orders takes precedence over all other restraining orders. (Pen. Code, § 136.2.)

2.  **SUPERVISED VISITATION**

a.  Father  Mother will have supervised visitation with the minor children according to the schedule  set forth in item 1 above  to be determined by the parents.

b. The visits will be supervised by (name): \_\_\_\_\_

c. The supervisor's phone number is: \_\_\_\_\_

3.  **TRANSPORTATION FOR VISITATION AND PLACE OF EXCHANGE**

a.  Transportation to the visits must be provided by  father  mother  other (specify): \_\_\_\_\_

b.  Transportation from the visits must be provided by  father  mother  other (specify): \_\_\_\_\_

c.  The children must be delivered and picked up from (specify location): \_\_\_\_\_

d.  Other (specify): \_\_\_\_\_

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  TELEPHONE NO. (Optional): _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>  <b>DRAFT 11</b> <b>03/23/06 xyz</b> <b>Not approved by the</b> <b>Judicial Council</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	CASE NUMBERS: JUVENILE: FAMILY:
<b>APPLICATION AND AFFIDAVIT FOR RESTRAINING ORDER—JUVENILE</b>	
RELATED CASES (if any):	

1. The child is
- a.  a dependent of the court under Welfare and Institutions Code section 300; or
  - b.  the subject of a petition that has been filed in this court under Welfare and Institutions Code section 300; or
  - c.  a ward of the court under Welfare and Institutions Code section 601; or
  - d.  a ward of the court under Welfare and Institutions Code section 602; or
  - e.  the subject of a petition that has been filed in this court under Welfare and Institutions Code section 601; or
  - f.  the subject of a petition that has been filed in this court under Welfare and Institutions Code section 602.

2. Petitioner is the
- a.  mother.
  - b.  father.
  - c.  child.
  - d.  guardian.
  - e.  social worker.
  - f.  probation officer.
  - g.  present caregiver of child.
  - h.  court-appointed special advocate.
  - i.  representative of Indian child's tribe.
  - j.  other (state interest or relationship to child):

3. **Persons to be protected** (List full names and ages of all persons to be protected; also list relationship to child in item 1):

<u>Name</u>	<u>Age</u>	<u>Relationship to child (self, parent, legal guardian, current caregiver):</u>
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4. a. **Person to be restrained** (full name):

b. <b>DESCRIPTION:</b>  Sex: <input type="checkbox"/> M <input type="checkbox"/> F Ht.: ____ Wt.: ____ Hair color: ____ Eye color: ____ Race: ____ Age: ____ Date of birth: ____
--

5. The person to be restrained has (check at least one box):

- a.  assaulted or attempted to assault one or more of the persons to be protected.
- b.  caused, threatened, or attempted bodily injury on one or more of the persons to be protected.
- c.  caused one or more of the persons to be protected to fear physical or emotional harm.
- d.  sexually assaulted or attempted to sexually assault one or more of the persons to be protected.
- e.  stalked one or more of the persons to be protected.
- f.  other (specify):

as described in item 7  
 as described in attached report by:  police officer  social worker  probation officer  
 other

CASE NAME: _____	CASE NUMBERS: JUVENILE: FAMILY:
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**6. Requested personal conduct orders**

- a.  Restrained person must not harass, molest, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, destroy the personal property of, disturb the peace of, keep under surveillance, or block movements of any person named in item 3.
- b.  Restrained person must not contact (either directly or indirectly), or telephone, or send messages, mail, or e-mail to any person named in item 3
  - (1)  except for brief and peaceful contact as required for court-ordered visitation of children, unless a criminal protective order says otherwise.
  - (2)  except for peaceful written contact through a process server or another person to serve legal papers related to a court case.
- c.  Restrained person must move immediately from (address):

and take only personal clothing and effects.

- d.  Restrained person must stay at least (specify): \_\_\_\_\_ yards away from the following persons and places (the addresses of these places are optional and may be kept confidential):
  - (1)  Protected persons named in item 3
  - (2)  Protected person's residence (address optional):
  - (3)  Protected person's place of work (address optional):
  - (4)  The child's school or place of child care (address optional):
  - (5)  Protected person's vehicle (description optional):
  - (6)  Other (specify):  
(address optional):

- e.  A criminal protective order on Form CR-160 is in effect: case number (specify): \_\_\_\_\_  
(expiration date): \_\_\_\_\_ (if more orders, list them in item i.).  
specify county (if known): \_\_\_\_\_

- f.  Restrained person must not take any action to get the address or location of any person named in item 3 or the addresses or locations of the family members, caregivers, or guardians of any persons named in item 3. (If item f is not checked, the court has found good cause not to make this order.)  
Peaceful written contact through a lawyer or through a process server or another person in order to serve legal papers is allowed and does not violate this order.

- g. Restrained person must sell or give up any firearms that he or she has or controls for a period not to exceed the duration of the restraining order. Describe in item 7 any use of or threat regarding use of firearms. Petitioner believes the restrained person has the following firearms (specify):

- h.  The child is a ward or the subject of a petition under Welfare and Institutions Code section 601 or 602 and must not contact, threaten, stalk, or disturb the peace of (list names):

- i.  Other requested orders:



ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i>  TELEPHONE NO. <i>(Optional):</i> _____ FAX NO. <i>(Optional):</i> _____ E-MAIL ADDRESS <i>(Optional):</i> _____ ATTORNEY FOR <i>(Name):</i> _____	<b>FOR COURT USE ONLY</b>  <b>DRAFT 6</b> <b>03/23/06 xyz</b> <b>Not pproved by the</b> <b>Judicial Council</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b>  STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME:	
<b>RESTRAINING ORDER—JUVENILE</b> <input type="checkbox"/> Temporary Order <input type="checkbox"/> Order After Hearing	CASE NUMBERS: JUVENILE: FAMILY:

This temporary order will expire at midnight on *(must be within 15 days of the temporary order or, upon a finding of good cause, within 20 days; specify date):*

This order after hearing will expire at midnight on *(not more than three years from date of hearing; specify date):*

1. a.  **Ex parte order**
- (1)  Person to be restrained received notice.
  - (2)  Person to be restrained did not receive notice.
  - (3)  If, at the hearing, the judge makes a restraining order that has the same orders as in this form, the person to be restrained will receive a copy of that order by mail at his or her last known address. *(Write restrained person's address here):*

**Note:** If this address is not correct or to determine whether the orders were made permanent, contact the clerk of this court.

b. Date of hearing:	Time:	Dept.:	Room:
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- c. Judicial officer *(name):*
- d. Persons and attorneys present *(names):*
- e.  Person to be restrained present. No further service needed.
- f.  Person to be restrained not present.
  - (1)  The judge's orders in this form are the same as in the prior temporary restraining order except for the end date. The restrained person can be served by mail.
  - (2)  The judge's orders are different from those in the prior temporary restraining order. Someone—not the person or persons to be protected—must personally serve a copy of this order on the restrained person.

**THE COURT FINDS AND ORDERS**

2. This order is based on the following findings of fact by the court:

CASE NAME:  _____	CASE NUMBERS: JUVENILE: FAMILY:
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3. **Persons to be protected** (insert full names of **all** persons to be protected):

4. **Person to be restrained** (full name):

Sex: <input type="checkbox"/> M <input type="checkbox"/> F Ht.: _____ Wt.: _____ Hair color: _____ Eye color: _____ Race: _____ Age: _____ Date of birth: _____
---

5. **Restrained person**

- a.  **must not** harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property of, disturb the peace of, keep under surveillance, or block movements of any person named in item 3.
- b.  **must not** contact (either directly or indirectly), or telephone, or send messages or mail or e-mail to any person named in item 3
  - (1)  except for brief and peaceful contact as required for court-ordered visitation of children, as provided in item 5e, unless a criminal protective order says otherwise.
  - (2)  except for peaceful written contact through a process server or another person to serve legal papers related to a court case.
- c.  **must move** immediately from (address):

and take only personal clothing and effects.

- d.  **must stay away** at least (specify): \_\_\_\_\_ yards from the following persons and places (the addresses of these places are optional and may be kept confidential):
  - (1)  Protected persons named in item 3
  - (2)  Protected person's residence (address optional):
  - (3)  Protected person's place of work (address optional):
  - (4)  The children's school or place of child care (address optional):
  - (5)  Protected person's vehicle (description optional):
  - (6)  Other (specify):

- e.  **has the right to visit the minor children** named in item 3 as follows:
  - (1)  None
  - (2)  Visitation according to the attached schedule (form JV-205 must be attached if any visitation is ordered)

- f.  **must NOT remove the minor children** named in item 3 from
  - the state of California  other (specify):
  - without order of the court or other condition (specify):

g. **must NOT take any action** to get the address or location of any person named in item 3 or the addresses or locations of the family members, caregivers, or guardians of any persons named in item 3.

CASE NAME:	CASE NUMBERS: JUVENILE: FAMILY:
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6.  The child is a ward of the court or the subject of a petition under Welfare and Institutions Code section 601 or 602 and must not contact, threaten, stalk, or disturb the peace of *(list names)*:

7. The juvenile court  has  has not terminated jurisdiction over the minor children named in item 3.

**8. Firearms restriction prohibition**

Within 24 hours after receiving this order, the restrained person is ordered to give up any firearms in or subject to his or her immediate possession or control.

Any firearms should be surrendered to the control of local law enforcement or to a licensed gun dealer. **Within 72 hours of receiving this order, the restrained person must provide the court with a receipt or with form DV-800/JV-252 (Proof of Firearms Turned In or Sold) showing compliance with this order.**

9.  A criminal protective order on form CR-160 is in effect: case number *(specify)*:  
*(expiration date)*: in *(specify county, if known)*:

**Conflicting Orders**

If a criminal restraining order (form CR-160) conflicts with a juvenile restraining order (form JV-250), a law enforcement agency must enforce the criminal order. Even if the criminal order is older, the officer must still enforce it over the juvenile order. (Penal Code, § 136.2(h).) Any nonconflicting terms of the juvenile custody or visitation order remain in full force. An emergency protective order (form EPO-001) that is in effect between the same parties and that is more restrictive than other restraining orders takes precedence over all other restraining orders. (Pen. Code, § 136.2.)

10. **Other orders** *(specify)*:

<input type="checkbox"/> <b>TO THE PERSON RESTRAINED UNDER A TEMPORARY ORDER</b>			
A court hearing has been set at the time and place indicated below. You may attend this hearing, with or without an attorney, to provide any legal reason that the orders above should not be extended. If you do not appear at this hearing, the court may extend or modify the orders for up to three years without further notice to you.			
Date:	Time:	Dept:	Room:

Date: \_\_\_\_\_

\_\_\_\_\_  
JUDICIAL OFFICER

CASE NAME: _____	CASE NUMBERS: JUVENILE: FAMILY:
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This order is effective when made. It is enforceable in all 50 states, the District of Columbia, all tribal lands, and all U.S. territories and shall be enforced as if it were an order of that jurisdiction by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS). If proof of service on the restrained person has not been received and the restrained person was not present at the court hearing, the law enforcement agency shall advise the restrained person of the terms of the order and then shall enforce it.

**Violations: Any person subject to a restraining order is prohibited from owning, purchasing or attempting to purchase, receiving or attempting to receive, or otherwise obtaining a firearm. Such conduct is subject to a \$1,000 fine and imprisonment. Under federal law, the issuance of a restraining order after hearing will generally prohibit the restrained person from owning, accepting, transporting, or possessing firearms or ammunition. A violation of this prohibition is a separate federal crime.**

**Violation of this restraining order may be punished as a contempt of court, a misdemeanor punishable by one year in jail or a \$1,000 fine, or both, or a felony. Taking or concealing a child in violation of this order is subject to state and federal criminal penalties.**

**Certificate of Compliance With VAWA for Temporary Orders**

This temporary protective order meets all Full Faith and Credit requirements of the Violence Against Women Act, 18 U.S.C. § 2265 (1994) (VAWA) upon notice of the restrained person. This court has jurisdiction over the parties and the subject matter; the restrained person has been or will be afforded notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. **This order is valid and entitled to enforcement in all jurisdictions throughout the 50 United States, the District of Columbia, all tribal lands, and all U.S. territories, commonwealths, and possessions and shall be enforced as if it were an order of that jurisdiction.**

**Certificate of Compliance With VAWA for Orders After Hearing**

This protective order meets all Full Faith and Credit requirements of the Violence Against Women Act, 18 U.S.C. § 2265 (1994) (VAWA). This court has jurisdiction over the parties and the subject matter; the restrained person has been afforded reasonable notice and an opportunity to be heard as provided by the laws of this jurisdiction. **This order is valid and entitled to enforcement in all jurisdictions throughout the 50 United States, the District of Columbia, all tribal lands, and all U.S. territories, commonwealths, and possessions and shall be enforced as if it were an order of that jurisdiction.**

**CLERK'S CERTIFICATE**

[SEAL]

I certify that the foregoing *Restraining Order—Juvenile* is a true and correct copy of the original on file in the court.

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

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Domestic Violence Prevention Act, Family Law, and Juvenile Law Forms

(revise forms DV-100, DV-110, DV-126-INFO, DV-130, DV-260, DV-500-INFO, DV-510-INFO, DV-520-INFO, DV-530-INFO, DV-540-INFO, DV-550-INFO, DV-720-INFO, FL-310, FL-105/GC-120, FL-341, JV-200, JV-205, JV-245, and JV-250)

Commentator	Position	Comment on behalf of group?	Comment	Committee Response
1. Sandy Almansa Supervising Legal Clerk II Superior Court of Stanislaus County Modesto	AM	N	<p>Agree with proposed changes if modified as follows:</p> <ol style="list-style-type: none"> <li>DV-100, 6b: Bold the word “not” in the sentence “If you do not want this order, please say why not.”</li> <li>DV-100, 10: Change the order of the sentences. First sentence should read “You can make this request only if . . .” Second sentence should read “You must fill out and file form FL-150 before your hearing.” Reason—If they are not eligible for the spousal support and no other financial issues are addressed, they may not need to file the FL-150. If they are eligible and request it, they do need it.</li> <li>DV-126-INFO: Under the second heading, the second bullet should read “Ask the Judge to sign it and give you a new hearing date. Note—Some courts require this to be submitted through the clerk’s office. Please ask your court clerk for more information on the local process.”</li> <li>DV-170: At the bottom of the page, it should read “This is a Court Order.” The</li> </ol>	<ol style="list-style-type: none"> <li>Delete the sentence entirely pursuant to another commentator’s suggestion. See comment number 6.</li> <li>Agree.</li> <li>Agree to revise as follows: “Ask the Judge to sign it and give you a new hearing date. In some courts, you must give your form to the clerk for the judge’s signature. Ask your court clerk for information on the local process.”</li> <li>Agree.</li> </ol>

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Domestic Violence Prevention Act, Family Law, and Juvenile Law Forms

(revise forms DV-100, DV-110, DV-126-INFO, DV-130, DV-260, DV-500-INFO, DV-510-INFO, DV-520-INFO, DV-530-INFO, DV-540-INFO, DV-550-INFO, DV-720-INFO, FL-310, FL-105/GC-120, FL-341, JV-200, JV-205, JV-245, and JV-250)

Commentator	Position	Comment on behalf of group?	Comment	Committee Response
			<p>word "Order" is missing.</p> <p>5. DV-510-INFO: Sample form is missing from draft. Page 2, item 6, line 2, paragraph 1, second sentence, should read: "Take the original and 5 copies to the court clerk as soon as possible before your hearing."</p> <p>6. DV-520-INFO, page 2, paragraph 4: Bullet 5 should read: "Ask the server to complete Form DV-250 and give it back to you."</p> <p>7. DV-540-INFO, page 1: Sample form is missing from draft.</p> <p>8. DV-720-INFO, page 2, item 13, bullet 1: Add more information regarding preparation of the order: "Some courts will fill out this form for you. Ask the clerk for more information on the local process." Reason—Our court prepares all DV-130s for our parties. Other courts may also do this.</p> <p>9. FL-310, page 1, 2b: Add in more line space for writing county and state (in case of multiple orders, more room is needed.)</p>	<p>5. Missing form is a printing problem. Agree to investigate why the form does not print for some users. Regarding page 2 comment: agree.</p> <p>6. Agree.</p> <p>7. Printing problem. Agree to investigate why this occurred and to resolve the issue.</p> <p>8. Agree.</p> <p>9. Agree to revise form FL-310 to provide additional space for writing county and state</p>

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Domestic Violence Prevention Act, Family Law, and Juvenile Law Forms

(revise forms DV-100, DV-110, DV-126-INFO, DV-130, DV-260, DV-500-INFO, DV-510-INFO, DV-520-INFO, DV-530-INFO, DV-540-INFO, DV-550-INFO, DV-720-INFO, FL-310, FL-105/GC-120, FL-341, JV-200, JV-205, JV-245, and JV-250)

Commentator	Position	Comment on behalf of group?	Comment	Committee Response
2. Grace Andres Program Manager Superior Court of Solano County Fairfield		Y	<p>By adding the firearm information on the CLETS information sheet we are adding more paperwork to an already difficult process for victims of domestic violence. It would be better to include this information on the DV-110. See attachment for additional comments.</p> <p>1. Response to item #1: Leaving the expiration date as three years when none is reflected on the order opens a window for error. It seems inconsistent and leaves an opportunity for a five-year order to mistakenly be made for only three.</p> <p>2. Response to item #3: An effort should be made to get the case number and county of origin on any existing protective orders from the requesting party. The question should be expanded on DV-100 Request for Order under 5b, Are there any domestic violence restraining/protective orders now (criminal, juvenile, family)?  <input type="checkbox"/> No <input type="checkbox"/> Yes (If yes, please provide the following information, if available, and attach a copy if you have one.) Case number _____ and County where it was issued _____.</p>	<p>information where there are multiple restraining orders.</p> <p>The committee believes that the requested information would provide extremely helpful information for the sheriff to serve the order and for law enforcement to locate firearms.</p> <p>1. The revision tracks the statute. Legislation would be required to revise the expiration date.</p> <p>2. Item 5(a) on the Request for Order (form DV-100) currently seeks all of the suggested information. Item 5(b) is provided as an additional method for the court to learn of other cases. If the litigant indicates that there are other cases, he or she is asked to provide the case number, state and county of that case. Item 5(b) notifies the clerk if a protective order was issued in</p>

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Domestic Violence Prevention Act, Family Law, and Juvenile Law Forms

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Commentator	Position	Comment on behalf of group?	Comment	Committee Response
3. Hon. Deborah B. Andrews Judge Superior Court of Los Angeles County Los Angeles	AM	N	<p>3. Response to #5: Will the Courts that transmit the orders via Fax to Law Enforcement for entry meet the one day requirement by transmitting the order to Law Enforcement for entry, or will the Court have to receive verification from Law Enforcement that entry into CLETS was made within one day? This new legislation is financially burdensome to the Court.</p> <p>1. Under “Protected person’s name,” (line 1 on DV-130) the victim advocates suggest that boxes should be available for the names of the children.</p> <p>2. On the DV-100 form, under question 4, the judges suggested adding another two lines for “dating” and “used to date.”</p> <p>On the same form, same question number 4, the judges recommended adding a box or line to elicit exactly WHEN the parties stopped dating or stopped living together. Was it the night before the hearing or three years ago?</p> <p>3. The hierarchy of protective orders should be made plain—that criminal orders trump</p>	<p>any of those cases.</p> <p>3. The statute provides that the court can either enter the order directly into CLETS or send it to an entering agency. The statute does not require the entering agency to provide the court with confirmation of entry into CLETS.</p> <p>1. The childrens’ names can be added to item 3 if they are protected by the order.</p> <p>2. The committee will consider these suggestions when the forms are next revised.</p>





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Commentator	Position	Comment on behalf of group?	Comment	Committee Response
			<p>restrictive.</p> <p>We then turned to the statute cited for clarification, but could not locate the citation. The section on Conflicting Orders (on both forms) states that “Even if the criminal order is older, the officer must still enforce it over the civil order (Pen. Code, § 136.2 (h)).” However, section 136.2 of the Penal Code ends at subsection (g). The relevant section appears to be Penal Code section 136.2(e)(2), which states “a restraining order or protective order against the defendant issued by the criminal court in that case has precedence in enforcement over any civil court order against the defendant, unless a court issues an emergency protective order....” Here again, a plain reading of the statute makes criminal protective orders paramount over civil orders regardless of which order is more restrictive. Given the Legislature’s concern that a more restrictive emergency protective order be enforced, we were curious why the same did not apply in the civil-criminal protective order context.</p>	<p>3. Agree to modify forms FL-105 and FL-310 as proposed.</p>

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Commentator	Position	Comment on behalf of group?	Comment	Committee Response
			<p><b>Agree with proposed changes:</b>                      Form DV-110                      Form DV-130                      Form FL-341</p> <p><b>Agree with proposed changes if modified:</b>                      Form FL-310, Application for Order and Supporting Declaration: We agree with the addition of item 2b and the direct reference to other existing restraining orders. However, the current layout is ambiguous for cases involving more than one other restraining/protective order. The form allows litigants to report “one or more” restraining/protective orders, but only allows one county/state listing and one case number listing. We would propose the following modification, or something to the same effect:</p> <p>b. One or more domestic violence restraining/protective orders are now in effect. (Attach a copy of the orders if you have one).                      The orders are from the following court or courts:                      (1) <input type="checkbox"/> Criminal: County and state _____                      Case number (if known) _____                      (2) <input type="checkbox"/> Family: County and state _____                      Case number (if known) _____                      (3) <input type="checkbox"/> Juvenile: County and state _____</p>	

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Commentator	Position	Comment on behalf of group?	Comment	Committee Response
	A/AM	Y	<p>Case number (if known) _____                      (4) <input type="checkbox"/> Other (specify): _____                      Case number (if known) _____</p> <p>Form FL-105, Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA): We agree with the addition of item 6 and suggest the same modifications made for Form FL-310.</p> <p>4. Restrained Person Prohibited From Seeking Address or Location of Protected Persons or Family Members</p> <p><b>Agree with proposed changes:</b>                      Form DV-110                      Form DV-130</p> <p><b>Agree with proposed changes if modified:</b>                      Form DV-100:                      We agree that it is important to restrain an abuser from taking actions to locate the confidential address of a protected person. A specific order prohibiting this behavior will make it easier for protected persons to seek law enforcement's help in keeping their address secure.</p> <p>We also agree that this order should be</p>	<p>4. Agree to modify DV-100 by deleting "If you do not want this order, please say why not..." and adding, after the word guardians, "unless the court finds good cause not to make the order."</p> <p>If the restrained person opposes the personal conduct order, he or she can so indicate on the <i>Answer to Temporary Restraining Order</i> (form DV-120) at item 3. It is not necessary to create a separate section on that form.</p>

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Commentator	Position	Comment on behalf of group?	Comment	Committee Response
			<p>mandatory unless there is good cause not to make the order. However, Form DV-100 seems to place the burden of showing good cause on the protected person when this burden would more logically be put on the restrained person.</p> <p>On the Request form (Form DV-100), item 6, the applicant is given space to explain why he or she does not want the order. At the time they apply for a restraining order, many protected persons do not have a confidential address. They may intend to use the restraining order as protection as they move from their current residence to a more secure location. Or they may not realize they need a confidential address until some time after they obtain the restraining order. In either case, where the applicant does not currently have a confidential address, he or she might think that the order does not apply to them, and write in something like “my address is not confidential.” Whether or not this would provide good cause not to grant the order is unknown.</p> <p>We think that the burden to demonstrate good cause should instead be placed on the restrained person. We propose that the space for comment under number 6 on Form DV-100, beginning with the italicized phrase “If you do not want this order....,” be deleted.</p>	

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(revise forms DV-100, DV-110, DV-126-INFO, DV-130, DV-260, DV-500-INFO, DV-510-INFO, DV-520-INFO, DV-530-INFO, DV-540-INFO, DV-550-INFO, DV-720-INFO, FL-310, FL-105/GC-120, FL-341, JV-200, JV-205, JV-245, and JV-250)

Commentator	Position	Comment on behalf of group?	Comment	Committee Response
	A/AM	Y	<p>We also propose that an addition be made to Form DV-120, Answer to Temporary Restraining Order, such that the restrained persons would be given an opportunity to agree or disagree to the prohibition, just as they are given the opportunity to agree or disagree with every other order. A copy of this form with the proposed change included is attached.</p> <p>5. Court Required to Transmit Data on Protective Orders to Statewide Registry Within One Business Day</p> <p><b>Agree with proposed changes:</b>                      Form DV-126-INFO                      Form DV-210-INFO                      Form DV-260-INFO                      Form DV-510-INFO (please note that in the copies circulated for comment, the photo of the DV-110 form is missing)                      Form DV-720-INFO</p> <p><b>Agree with proposed changes if modified:</b>                      Form DV-530 INFO: We agree with the removal of the language about asking the police to enter the orders into the CLETS system under the “Get copies” section. However, in reviewing this form, we noticed that is an</p>	<p>5. Agree to revise form DV-530-INFO, <i>How to Enforce Your Order</i>. To be consistent, the sentence beginning with “Ask the police to enter the...” on DV-530-INFO is revised to match the language on DV-210-INFO beginning with “If the sheriff serves the orders, they will send the Proof of Service....”</p> <p>Regarding the inconsistency: The reference to police on DV-530-INFO is due to the mandate that law enforcement verbally serve the order if requested to at the scene of a domestic violence incident. Hence</p>

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Commentator	Position	Comment on behalf of group?	Comment	Committee Response
			<p>inconsistency between this form and form DV-210-INFO. Under the “If any problems, call the police section” on DV-530-INFO, the protected person is instructed to ask the police to enter the proof of service in CLETS. The DV-210-INFO does not contain an instruction but instead notes that the police will automatically send the proof of service to CLETS. To be consistent, the sentence beginning with “Ask the police to enter the...” on DV-530-INFO could be made to match the language on DV-210-INFO beginning with “If the sheriff serves the orders, they will send the Proof of Service....”</p> <p>A second inconsistency between these two forms lies in the use of the terms “Sheriff” and “Police.” The term Sheriff is used on the DV-210-INFO form as the entity that will serve the Restraining Order, mail the Proof of Service to the Court, and enter the Proof of Service into CLETS. The DV-530-INFO form refers instead to the Police as the entity who can serve the Restraining Order and enter the information into CLETS. We are not clear on whether the use of two different terms has any significance in this context. Is the term Police meant to be a broader word for law enforcement and thus inclusive of the term Sheriff? Do police departments serve Restraining Orders in some counties? In some counties there may not be a</p>	<p>the provision in the form, “...if the restrained person is there.” The committee believes that a detailed outline of the various legal requirements for verbal service as compared to contractual agreements for standard service by the sheriff’s department is unnecessary and potentially confusing for the reader. Form DV-530-INFO is drafted to give a brief understanding of how the protected person can seek assistance to enforce the order.</p>

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Commentator	Position	Comment on behalf of group?	Comment	Committee Response
			<p>police department because they have contracted out to the Sheriff's department. Based on our understanding of the roles of each of these agencies, it may not be appropriate to use the terms Police and Sheriff interchangeably.</p> <p>We would like the forms to make clear that whatever law enforcement agency is responsible for serving the Restraining Order, it is also responsible for filing the Proof of Service at the Court and for entering the information into CLETS. Any clarification the Judicial Council could provide would be appreciated.</p>	
A	A	Y	<p>6. Firearms Information Entered on Request</p> <p><b>Agree with proposed changes:</b>                      Form DV-100                      Form DV-260</p>	6. No response required.
A	A	Y	<p>7. Other Technical Updates and Corrections</p> <p><b>Agree with proposed changes:</b>                      Form DV-500-INFO                      Form DV-520-INFO                      Form DV-540-INFO (please note that in the copies circulated for comment, the photo of the DV-110 form is missing)</p>	7. No response required. Agree to investigate and correct the printing problem regarding the arrow pointing to a missing form.



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Commentator	Position	Comment on behalf of group?	Comment	Committee Response
<p>Manager California Department of Justice Sacramento</p>			<p>Item 6: The addition of the check box for a CPO will create confusion for the petitioner, court personnel, and law enforcement.</p> <p>Many times more than one CPO has been issued, not just “a” CPO. More space needs to be provided to allow a petitioner to indicate this information. I have seen up to 5 CPO’s issued for the same parties.</p> <p>What if the restrained party on the CPO(s) has petitioned the court for protection via a civil DV order against the protected party listed on the CPO(s)? Are they required to provide this information? Clear directions need to be provided.</p> <p>If there are existing CPO’s, the court and/or petitioner must be responsible for filing a copy of those orders with the DV-110 or DV-130 and any subsequent actions. Any CPO’s involving the parties listed on the DV-110 or DV-130, whether restrained OR protected, should be an attachment to the DV-110 or DV-130.</p> <p>Are all CPO’s issued by the courts entered into DVROS? Probably not. Until our courts take the responsibility for entering these orders, it will impose undue liability on law enforcement if this box is checked and a CPO cannot be</p>	<p>court to add information on other current criminal protective orders, if any, to item 16, “Other Orders” on form DV-110. The committee believes that the existence of multiple criminal protective orders is the exception, rather than the rule. Further, space restrictions on the form prohibit the addition of extra lines.</p>



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Commentator	Position	Comment on behalf of group?	Comment	Committee Response
			<p>MC-220 takes precedence in enforcement over any conflicting civil court order.” For consistency, the language used needs to be consistent on (all) the forms.</p> <p><b>DV-130</b></p> <p>3. Item 6: See comments on DV-110, Item 6. Ditto.</p> <p>4. Item 18: Please remove the check box next to SERVICE. This is a mandatory order by the court. Next to the word SERVICE, or just below, please add “The court (check a, or b and (1), or b and (2), or c).”</p> <p>In many cases, the court is not properly completing this item, causing confusion for the petitioner, the restrained party, the agency entering the order, and law enforcement when attempting to enforce the order. In some cases, the only box checked is 18(b) and this leads to a lot of confusion as to what directive the court is making. It is imperative the court provide clear instructions on the service of the DV-130.</p> <p>Please remove the following sentence from 18(b): “But proof of service of Form DV-110 was presented to the court.” This statement confuses staff who enter restraining orders</p>	<p>3. See response above.</p> <p>4. Agree to remove checkbox. Agree to duplicate the DV-110 service information in 18(b)(1) and 18(b)(2) and to delete it from 18b.</p> <p>Consolidate (a) and (c) in 18 to read: “The people in 1 and 3 were at the hearing or have agreed in writing to this order. No other proof of service is needed” to shorten the form and reduce duplication.</p>

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Commentator	Position	Comment on behalf of group?	Comment	Committee Response
			<p>because they either don't understand it or believe this means the DV-130 has been served. It also confuses some law enforcement officers for the same reasons. Petitioners and restrained persons also may be confused by this statement.</p> <p>You could place this statement in 18(b)(1), which could read as follows:</p> <p>“Proof of service of DV-110 was presented to the court. The judge’s orders in this form are the same as in DV-110, except for the end date. The person in 3 must be served. This order can be served by mail.”</p> <p>You would also need to place this statement in 18(b)(2), which could read as follows:</p> <p>“Proof of service of DV-110 was presented to the court. The judge’s orders in this form are different from the orders in DV-110. Etc....”</p> <p>5. Item 26: See comments on DV-110, Item 30. Ditto.</p> <p><b>DV-210-INFO</b></p> <p>6. Page 2, under “What do I do with the completed Proof of Service?,” the second bullet should be a little more clear as to who</p>	<p>5. Agree.</p> <p>6. Agree.</p>

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Commentator	Position	Comment on behalf of group?	Comment	Committee Response
			<p>should file the original proof of service.            Suggestion: "File the original Proof of Service with the court at least 2 days before your hearing."</p> <p>7. Page 2, under "What do I do with the completed Proof of Service?" the third bullet doesn't make it clear what clerk will send the order to CLETS. Suggestion: "The court clerk will send it to CLETS, a special computer system that lets police all over the state find out about the order."</p> <p>8. <b>DV-260</b>            Under "To the Protected Person": A suggestion is being made to standardize the CLETS reference throughout the forms. Suggestion: "Complete this form <b>and return it to the court clerk</b>. The court clerk will <del>have your order entered in California's restraining order computer system</del> <b>send it to CLETS, a computer system that lets police all over the state find out about the order.</b>"</p> <p>9. <b>DV-500-INFO</b>            Page 2, under "How will the restrained person know about the order," it may be unclear to someone who must be served with the order.</p>	<p>7. Agree.</p> <p>8. Agree. Even though very few courts enter the orders directly into CLETS, the language remains sufficiently broad to indicate that the court will enter it or send it to the entering agency there is no need to provide more detail.</p> <p>9. Agree.</p>

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Commentator	Position	Comment on behalf of group?	Comment	Committee Response
			<p>Suggestion: “Someone who is at least 18—not you or anyone else protected by the order—must “serve” (give) <del>him or her</del> <b>the restrained person</b> a copy of the order.”</p> <p><b>10. DV-510-INFO</b>                      Page 1, under 3, “File” the judge’s order: Standardize the CLETS statement. Suggestion: “Restraining orders get entered into <b>CLETS</b>, a <del>special</del> <b>computer at the California Department of Justice.</b> <del>That way, police officers across the state can find out about the order.</del> <b>system that lets police all over the state find out about the order.</b> The court will send the order to the state <del>computer</del> <b>CLETS</b> for you.”</p> <p><b>11.</b> Page 2, under 6, “File your Proof of Service (Form DV-200)”                      a) Standardize the CLETS statement.                      Suggestion: “The court will send your completed Proof of Service to the <del>statewide computer system for you.</del> <b>CLETS, a computer system that lets police all over the state find out about the order.</b> <del>That way, police across the state know that the restrained person knows about the orders.</del>”                      b) There is nothing on this page to tell the</p>	<p>10. Agree.</p> <p>11a. Agree.</p> <p>11b. Agree.</p>

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 (revise forms DV-100, DV-110, DV-126-INFO, DV-130, DV-260, DV-500-INFO, DV-510-INFO, DV-520-INFO, DV-530-INFO, DV-540-INFO, DV-550-INFO, DV-720-INFO, FL-310, FL-105/GC-120, FL-341, JV-200, JV-205, JV-245, and JV-250)

Commentator	Position	Comment on behalf of group?	Comment	Committee Response
			<p>person what happens to the proof of service if law enforcement serves it.                      Suggestion: Add the same verbiage as on the DV-210-INFO—<b>“If the sheriff serves the orders, they will send the Proof of Service to the court and CLETS for you.”</b></p> <p>12. Page 2, under 7, “If the restrained person wasn’t served...” There is nothing in this section letting the person know that the clerk will make sure the order is sent to CLETS. Suggestion: “File the signed order (Form DV-125) with the <b>court clerk. The court will send the order to CLETS for you.</b>”</p> <p>13. <b>DV-520-INFO</b>                      Page 2, under “What happens after the hearing,” the third bullet should be removed, “<del>Take a copy of DV-130 to your local police or sheriff if the clerk does not send it for you.</del>” Suggestion: add <b>“The court clerk will send it to CLETS, a computer system that lets police all over the state find out about the order.”</b></p> <p>14. <b>DV-530-INFO</b>                      Under “Get copies” there is nothing that tells</p>	<p>12. Agree.</p> <p>13. Agree to delete the third bullet.</p> <p>14. This form helps people with enforcement. The entering</p>

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Commentator	Position	Comment on behalf of group?	Comment	Committee Response
			<p>the person the order will be sent by the clerk to CLETS. Suggestion—add <b>“The court clerk will send a copy of the restraining order and proof of service to CLETS, a computer system that lets police all over the state find out about the order.”</b></p> <p><b>DV-720-INFO</b></p> <p>15. Page 1, under “The clerk or judge will set a hearing date,” there is nothing letting the person know that the clerk will see that this form gets entered into CLETS. Suggestion: Add <b>“The court clerk will send a copy of the Form DV-710 to CLETS, a computer system that lets police all over the state find out about the order.”</b></p>	<p>information is found in many other information sheets. Further, verbal service and entry into CLETS by law enforcement is found under “If any problems, call the police.” Adding the clerk entry information on this form is potentially confusing.</p> <p>15. Agree.</p>
			<p>16. Page 2, under 13, “If the judge renews the order at the hearing...,” there is nothing letting the person know that the clerk will see that the form gets entered into CLETS. Suggestion: under the second bullet, add <b>“The court clerk will send a copy of the Form DV-130 to CLETS, a computer system that lets police all over the state find out about the order.”</b></p>	<p>16. Agree.</p>
			<p>17. Page 2, under 14, “File your Proof of</p>	<p>17. Agree.</p>

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Commentator	Position	Comment on behalf of group?	Comment	Committee Response
10.	Hon. Louise Bayles-Fightmaster Commissioner Superior Court of Sonoma County Santa Rosa	N	Service,” add standardized language regarding CLETS. Suggestion: Under the last bullet, “The court <b>clerk</b> will send the Proof of Service to <del>law enforcement for you</del> <b>CLETS</b> . That way, police all across the state know that the restrained person knows about the orders.”	1. The statute does not provide for this.
11.	Kathleen Harper Program Director Doves of Big Bear Valley Big Bear Lake	N	1. Form DV-130, page 1, item 4: The new shaded area should say “If no end date is written, the restraining order ends 5 years after the date of the hearing.” 2. Form DV-510, page 1, item 4: There is an arrow that appears to be pointing to something, but there is nothing at the end of the arrow. 3. Form DV-540, page 1: There are two arrows that converge to the right of the fourth and fifth paragraph, but there is nothing at the convergence point.	2. Agree to investigate and correct the printing problem. 3. Agree to investigate and correct the printing problem.
12.	David Jetton Court Administrator Superior Court of Los Angeles County Los Angeles	N		No response required. No response required.

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	<b>Commentator</b>	<b>Position</b>	<b>Comment on behalf of group?</b>	<b>Comment</b>	<b>Committee Response</b>
13.	Caro Johnson Case Coordinator Family Court Services Auburn	N	Y	The entire restraining order process is too complicated for the average pro per. It is also often used for revenge or to change custody where a favorable ruling in family court was not issued. Instead of adding new legislation we should have a task force to make this process work and be accountable.	Agree to continue to explore ways to simplify the forms.
14.	Carol Langone Supervising Psych Social Worker Department of Mental Health Downey	A	N		No response required.
15.	Cristina Llop Staff Attorney Superior Court of San Francisco County San Francisco	AM	N	<p>1. DV-110, page 5, item 30: make sure criminal order is still good, unless expired. DV-130, page 4, item 25: Make sure criminal order is still good.</p> <p>2. DV-500-INFO, commenting on the text under “What if I don’t have a green card?” Confusing and possibly misleading.</p>	<p>1. This instruction is for law enforcement. It is understood that all instructions about protective orders apply only to orders currently in existence (not to expired orders). Space on this form and others is at a premium, and the committee believes that adding additional text here and in other places about checking to make sure that the order has not expired is, on balance, not necessary.</p> <p>2. There was no proposal to substantively change the referenced text. Unsure what is the problem or what is suggested for a revision.</p>

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Commentator	Position	Comment on behalf of group?	Comment	Committee Response
			<p>3. DV-530-INFO, commenting on the last sentence in the shaded box on the bottom of the page. Litigants rarely carry the Proof of Service and the cops won't enforce.</p> <p>4. DV-550-INFO, page 1, commenting on the last bullet "Your hearing may last just a few minutes or up to an hour." The time is longer if a lot of matters are on the calendar, the whole experience may take a lot longer. Unless whether you are talking about the particular hearing or the time they should plan on being at the court hearing.</p> <p>5. DV-720-INFO, page 1, item 1, second bullet is confusing.</p>	<p>3. The instructions are intended to summarize the law and procedure.</p> <p>4. Agree to revise bullet under "Get there 30 minutes early" to read: "Your hearing may last just a few minutes or up to an hour or more. However, you may be at court several hours, depending on the number of other cases."</p> <p>5. Not sure what is suggested. The committee notes that putting in a time here would invariably be wrong. The court could renew the order for any time period. The only true statement is that which is currently provided: "The order will last longer than the current order."</p>
16. Hon. Catherine Lyons Commissioner Superior Court of San Francisco County San Francisco	AM	N	I would suggest requiring the parties to disclose more information on the existence of any current protection order—ask them for approximate dates, courts, etc.	That information is already requested on form DV-100, <i>Application for Order</i> , item 5.
17. Debra Mathoney	A	N	My only concern is cost to the court of	No response required.

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	<b>Commentator</b>	<b>Position</b>	<b>Comment on behalf of group?</b>	<b>Comment</b>	<b>Committee Response</b>
	Supervisor, Family Court Services Superior Court of Kern County Bakersfield			infrastructure (CLETS access, databases, etc.) to implement but better coordination is so needed.	
18.	Hon. Michael Mattice Judge Superior Court of Solano County Fairfield	AM	N	The DV-110 TRO form should be amended on p.1 to include an “Orders Have [or] Have Not Been Issued” section as done in item 4 on p. 1 of the Civil Harassment Notice of Hearing (CH-120), to reduce confusion in cases where no DV TRO’s are issued.	The committee will consider this proposal when the forms are next revised.
19.	Joan McCoy Volunteer, Court Appointed Special Advocate CASA of Fresno and Madera Counties Fresno	A	N		No response required.
20.	Tricia McCoy Supervising Superior Court Clerk Superior Court of Kern County Juvenile Division Bakersfield	N	N	Page 24, at the bottom of the page, should read “This is a Court Order”; currently reads “This is a Court.”  JV-250, Restraining Order, page 2, item 5c: Should this area indicate for adults only? Can a minor be ordered to move?  JV-252 needs to be modified to include a space for the names of the cases. Looking in the body of the document is difficult and time consuming for the court. The case name should be near the case number.	Agree.  The committee recommends keeping this part of the form as is. CFCC staff is researching the use of this form in delinquency proceedings, which may lead to a future proposal.  Agree to modify form to include a space for case name.

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Commentator	Position	Comment on behalf of group?	Comment	Committee Response
21. Superior Court of Los Angeles County	A	Y		No response required.
22. Sharon Ngim Staff Liaison to the Standing Committee on the Delivery of Legal Services (SCDLS)	A	Y	SCDLS overall supports the proposed changes and suggests making forms more user friendly for self-represented litigants (in particular, make FL-310 more consistent with Domestic violence forms such as DV-100, DV-110, and DV-130). SCDLS also notes a minor typographical error at the bottom of Form DV-170 (“This is a Court” should read “This is a Court Order”).	The committee recommends making formatting changes to FL-310 so that it is more user friendly.
23. Hon. Kathleen R. O’Connor Judge Superior Court of Yuba County Marysville	AM	N	I would like to see included more than just the most recent abuse described—it gives the court a complete picture if the petitioner describes at least two instances of abuse.	Currently, there is insufficient space on the form for additional incidents of abuse. Litigants are directed to write about other incidents on form DV-101 or MC-020.
24. Marta Osteroh Deputy Public Defender Marin Public Defender San Rafael	AM	N	Young children can suffer additional damage if they cannot see the alleged abusing parent. The law should include with the mandatory CPS referral authority for the CPS worker to allow and monitor visits if it is in the child’s best interest.	Current law mandates the juvenile court to order visitation absent a showing of detriment to the child.
25. Pamela Peery Family Law Facilitators Superior Court of Riverside County Indio	A	N	1. My concerns are potential confusion for litigants due to the fact an order can last up to five years, but if no end date, then it will just be 3 years. I think it is better to have the orders have a maximum duration of either 3 years or 5 years. 2. The idea regarding the gun description is	1. The legislation did not change the law regarding the term of the order when the order fails to give an expiration date. The comment requires a legislative change. 2. The requested information is

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Commentator	Position	Comment on behalf of group?	Comment	Committee Response
26. Michael Roddy Executive Officer Superior Court of San Diego County San Diego	AM	Y	<p>good, but many pro pers will be unable to provide this information. The approach proposed does not appear prejudicial to the protected party since the information is supposed to be entered on the CLETS form and not the application. In this way, the true purpose of helping law enforcement seems to be achieved. But if my interpretation is wrong, then I think the gun type, age, etc., should be designated as “optional” with a note that the information is to assist law enforcement in enforcing the order. Also, what if a firearm is left off? Will this then create an exception to the enforcement? I don’t think so, but wanted to pass on this thought.</p> <p>The following comments were received from our court’s executives, managers, supervisors, attorneys, and/or family law facilitators.</p> <p>A. The AB 99 amendments to Fam. Code; §§ 6345 and 6361 are beneficial changes.</p> <p>B. The AB 112 amendments to Pen. Code, § 136.2 are beneficial because it is only logical that Emergency Protective Orders be given precedence since they are more restrictive and the goal, in these orders, is to give the greatest level of protection.</p>	<p>intended to provide law enforcement with only basic information. It does not by itself have any legal consequence. Agree to revise the sentence to read: “Describe any guns or firearms you believe the restrained person owns or has access to (number, types, and locations):” to clarify that it is information supplied by the protected person (as indicated at the top of the form).</p>

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Commentator	Position	Comment on behalf of group?	Comment	Committee Response
			<p>C. Implementation of the amendments made by AB 118 to Fam. Code, § 3100(c) will be difficult, if not impossible, for courts to fully implement. How will the facilitators, DV advocates, clerks and the court meet the requirements of Fam. Code § 3100(c) that existing criminal protective orders be identified in the pleadings and orders? Is access going to be made available to locate the existence of such an order through the computer? Our current case management system does not have the capability to fully comply, at this time, with the requirements of this law. Is there a way to cross-reference the criminal restraining order by checking CLETS? This change will require the Sheriff to check each file or give other court personnel access to CLETS.</p> <p>D. As to form FL-341, deleting the joint custody wording is very good. However, there may be instances where judges will award joint custody in DV cases and also reasonable visitation despite the warning on this form which says in bold print: <b>“not appropriate in cases involving domestic violence.”</b> Additional judicial education may be appropriate in this topic.</p>	<p>C. This is a legislative mandate; the courts are required to comply to the best of their ability.</p> <p>D. Judicial education is beyond the scope of amending form FL-341.</p>

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Commentator	Position	Comment on behalf of group?	Comment	Committee Response
			<p>E. The SB 720 amendments to Fam. Code, § 6380 are a welcome change as the court has had problems with information being submitted in a timely manner. This statutory requirement will tighten the protection for our customers. Having the litigants be responsible for any part of the transmission is untenable as people are usually in such difficult circumstances that they cannot understand the consequences of their actions (or inaction) until it is too late.</p> <p>F. The proposed changes will not require us to perform any juvenile court procedural updates.</p> <p>G. All of the juvenile forms and minute orders contain blank spaces to fill in the time period for the restraining order, so the change from the three year time period to the five year period would not impact juvenile court operations. The remaining changes relating to juvenile court are functions carried out by the sheriff's juvenile division, including entering the information into CLETS.</p>	<p>E. No response required.</p> <p>F. No response required.</p> <p>G. The extension to five years does not apply in juvenile cases. Welfare and Institutions Code section 213.5(d) continues to provide that any restraining order granted pursuant to that subdivision shall remain in effect, at the discretion of the court, not to exceed three years.</p>

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Commentator	Position	Comment on behalf of group?	Comment	Committee Response
			<p>H. The changes brought about by AB 978 are excellent. Customers often do not want their actual residential address on their paperwork for good reasons. These new statutes will allow the protected person to have the added assurance that the restrained person cannot enlist others to obtain their address or location, which will provide extra protection.</p> <p>I. Since some DV restraining orders are more restrictive than some criminal restraining orders, the following changes/additions to the Judicial Council forms should be made:</p> <ol style="list-style-type: none"> <li>1. On DV-110, on page 5, at #30, in the first line, after the words “restraining order,” add “which is more restrictive.”</li> <li>2. On DV-130, in the first line, add “and is more restrictive than this order.”</li> <li>3. On FL-341, on page 2, at #3, add the words “if more restrictive” after “current, and ....”</li> <li>4. On DV-530, add the following statement to the bottom of the page: “Since not all persons have registered their firearms. If you know that the person has unregistered firearms, also list those items and their location on DV-260.”</li> </ol>	<p>H. No response required.</p> <p>I. Penal Code section 136.2 provides that criminal protective orders take enforcement precedence over all other orders, except for a more restrictive emergency protective order. The statute does not provide for the requested change.</p> <p>4. This form is intended to be used after the litigant has completed the entire procedure and has been granted the restraining order and had it entered into CLETS.</p>

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Commentator	Position	Comment on behalf of group?	Comment	Committee Response
			<p>5. On DV-540, under “What if I don’t speak English,” after the word “child,” add “or any person protected by the temporary order.”</p> <p>6. On DV-550, at the end of “What if I am deaf or hard of hearing?” add: “If you were served less than 5 days before the hearing, go to the hearing and ask the judge to continue the hearing until the court can provide the assistive listening device, computer assisted real time captioning or sign language interpreter services before the matter is heard.”</p> <p>J. Attached to this response are the drafts of proposed Judicial Council forms JV-245 and JV-250 with recommended amendments made directly to the documents.</p> <ol style="list-style-type: none"> <li>1. JV-245, 2g, replace “caretaker” with “caregiver” for consistency with recent revisions (e.g., CRC 1408, 1436.5(g)). At the footer, after “Welf. &amp; Inst. Code, §§ 213.5,” add “213.75.”</li> <li>2. Page 48, 6e, should not be a discretionary order (see Welfare and Institutions Code § 213.75(a) [“The court shall order...”]); delete the check</li> </ol>	<p>5. Agree.</p> <p>6. Court practices vary and it is possible that an interpreter or other accommodation can be provided on the day of the hearing.</p> <p>J. Agree to modify text to improve grammar and to include appropriate statutory references. The correct statutory reference, however, is 213.7, not 213.75.</p>

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Commentator	Position	Comment on behalf of group?	Comment	Committee Response
			<p>box. Change “Restrained persons” to “Restrained person” since only one person can be named in item 4.</p> <p>3. Page 48, 7f, close space in the second sentence between “firearms” and period.</p> <p>4. Page 48, 7g, should read “...under Welfare and Institutions Code section 601....”</p> <p>5. Page 50, at the footer, after “Welfare and Institutions Code, §§ 213.5,” add “213.75.”</p> <p>6. Page 51, 5g, should not be a discretionary order (see Welf. and Inst. Code, § 213.75(a) [“The court shall order...”]; delete the check box.</p>	
27. Mary Stump Legal Assistance Program Coordinator Shasta County Women’s Refuge Redding	A	Y		No response required.
28. Shelly Troop Child Custody Mediator Superior Court of San Joaquin County Stockton	A	N		No response required.

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Commentator	Position	Comment on behalf of group?	Comment	Committee Response
29. Hon. Colleen Toy White Assistant Presiding Judge Superior Court of Ventura County Ventura	AM	N	<p>PAGE 5: Would prefer “Court required to transmit data on protective orders to statewide registry within 48 hours: unless we are given more CLETS accessibility.</p> <p>Page 28: We would prefer that the parties ask the Family Law Facilitator for forms for civil harassment since they are more difficult to prepare.</p>	<p>1. The statute does not provide for a delay.</p> <p>2. The Family Law Facilitator is not authorized to provide non-child support assistance in every county. The referral to the court clerk for forms will allow the clerk to refer litigants to appropriate self-help in the county.</p>
30. Hon. James P. Woodward Judge Superior Court of Trinity County Weaverville	AM	N	<p>In Forms DV-130, 6c; DV-110, 6c; JV-245, 6e; and JV-250, 5g; add after word “action” the words “directly or through third parties.”</p>	<p>Agree.</p>
31. John Zrofsky Chief of Police Shafter Police Department Shafter	A	Y	<p>As a municipal law enforcement agency whose primary focus has been domestic violence cases in our community, we strongly support this proposal to extend initial protective orders from 3 years to 5 years. Historically, we’ve seen that victims often fail to renew the orders after the incident is adjudicated and where they’ve often been preoccupied with attempting to get their home life back in order or adjusting to new family life dynamics. Extending the order provides significant assistance for law</p>	<p>No response required.</p>

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Commentator	Position	Comment on behalf of group?	Comment	Committee Response
			enforcement in knowing that these orders will be maintained for a substantial amount of time.	

## Excerpts of referenced legislation

### Assembly Bill 99

Family Code section 6345 is amended as follows:

(a) In the discretion of the court, the personal conduct, stay-away, and residence exclusion orders contained in a court order issued after notice and a hearing under this article may have a duration of not more than **five** years, subject to termination or modification by further order of the court either on written stipulation filed with the court or on the motion of a party. These orders may be renewed, upon the request of a party, either for **five** years or permanently, without a showing of any further abuse since the issuance of the original order, subject to termination or modification by further order of the court either on written stipulation filed with the court or on the motion of a party.

(b) Notwithstanding subdivision (a), the duration of any orders, other than the protective orders described in subdivision (a), that are also contained in a court order issued after notice and a hearing under this article, including, but not limited to, orders for custody, visitation, support, and disposition of property, shall be governed by the law relating to those specific subjects.

(c) The failure to state the expiration date on the face of the form creates an order with a duration of three years from the date of issuance.

Family Code section 6361 is amended to read:

6361. If an order is included in a judgment pursuant to this article, the judgment shall state on its face both of the following:

(a) Which provisions of the judgment are the orders.

(b) The date of expiration of the orders, which shall be not more than **five** years from the date the judgment is issued, unless extended by the court after notice and a hearing.

### Assembly Bill 112

Penal Code section 136.2 is amended to read:

...(b) (1) Notwithstanding subdivisions (a) and (e), an emergency protective order issued pursuant to Chapter 2 (commencing with Section 6250) of Part 3 of Division 10 of the Family Code or Section 646.91 of the Penal Code shall have precedence in enforcement over any other restraining or protective order, provided the emergency protective order meets all of the following requirements:

(A) The emergency protective order is issued to protect one or more individuals who are already protected persons under another restraining or protective order.

(B) The emergency protective order restrains the individual who is the restrained person in the other restraining or protective order specified in subparagraph (A).

(C) The provisions of the emergency protective order are more restrictive in relation to the restrained person than are the provisions of the other restraining or protective order specified in subparagraph (A).

(2) An emergency protective order that meets the requirements of

paragraph (1) shall have precedence in enforcement over the provisions of any other restraining or protective order only with respect to those provisions of the emergency protective order that are more restrictive in relation to the restrained person.

Assembly Bill 118

Family Code section 3100 is amended to read:

(a) In making an order pursuant to Chapter 4 (commencing with Section 3080), the court shall grant reasonable visitation rights to a parent unless it is shown that the visitation would be detrimental to the best interest of the child. In the discretion of the court, reasonable visitation rights may be granted to any other person having an interest in the welfare of the child.

(b) If a protective order, as defined in Section 6218, has been directed to a parent, the court shall consider whether the best interest of the child requires that any visitation by that parent shall be limited to situations in which a third person, specified by the court, is present, or whether visitation shall be suspended or denied. The court shall include in its deliberations a consideration of the nature of the acts from which the parent was enjoined and the period of time that has elapsed since that order. A parent may submit to the court the name of a person that the parent deems suitable to be present during visitation.

(c) If visitation is ordered in a case in which domestic violence is alleged and an emergency protective order, protective order, or other restraining order has been issued, the visitation order shall specify the time, day, place, and manner of transfer of the child, so as to limit the child's exposure to potential domestic conflict or violence and to ensure the safety of all family members. If a criminal protective order has been issued pursuant to Section 136.2 of the Penal Code, the visitation order shall make reference to, and acknowledge the precedence of enforcement of, any appropriate criminal protective order.

Penal Code section 136.2 is amended to read:

...(d) (1) In all cases where the defendant is charged with a crime of domestic violence, as defined in Section 13700, the court shall consider issuing the above-described orders on its own motion. All interested parties shall receive a copy of those orders. In order to facilitate this, the court's records of all criminal cases involving domestic violence shall be marked to clearly alert the court to this issue.

(2) In those cases in which a complaint, information, or indictment charging a crime of domestic violence, as defined in Section 13700, has been issued, a restraining order or protective order against the defendant issued by the criminal court in that case has precedence in enforcement over any civil court order against the defendant.

(3) Custody and visitation with respect to the defendant and his or her minor children may be ordered by a family or juvenile court consistent with the protocol established pursuant to subdivision (e), but if ordered after a criminal protective order has been issued pursuant to this section, the custody and visitation order shall make reference to, and acknowledge the precedence of enforcement of, any appropriate criminal protective order. On or before July 1, 2006, the Judicial Council shall modify the criminal and civil court forms

consistent with this subdivision.

Assembly Bill 978

SEC. 3. Section 6322.7 is added to the Family Code, to read:

6322.7. (a) The court shall order that any party enjoined pursuant to an order issued under this part be prohibited from taking any action to obtain the address or location of a protected party or a protected party's family members, caretakers, or guardian, unless there is good cause not to make that order.

(b) The Judicial Council shall promulgate forms necessary to effectuate this section.

Senate Bill 720

Section 6380 of the Family Code is amended to read:

6380. (a) Each county, with the approval of the Department of Justice, shall, by July 1, 1996, develop a procedure, using existing systems, for the electronic transmission of data, as described in subdivision (b), to the Department of Justice. The data shall be electronically transmitted through the California Law Enforcement Telecommunications System (CLETS) of the Department of Justice by law enforcement personnel, or with the approval of the Department of Justice, court personnel, or another appropriate agency capable of maintaining and preserving the integrity of both the CLETS and the Domestic Violence Restraining Order System, as described in subdivision (e). Data entry is required to be entered only once under the requirements of this section, unless the order is served at a later time. A portion of all fees payable to the Department of Justice under subdivision (a) of Section 1203.097 of the Penal Code for the entry of the information required under this section, based upon the proportion of the costs incurred by the local agency and those incurred by the Department of Justice, shall be transferred to the local agency actually providing the data. All data with respect to criminal court protective orders issued, modified, extended, or terminated under subdivision (g) of Section 136.2 of the Penal Code, and all data filed with the court on the required Judicial Council forms with respect to protective orders, including their issuance, modification, extension, or termination, to which this division applies pursuant to Section 6221, shall be transmitted by the court or its designee within one business day to law enforcement personnel by either one of the following methods:

(1) Transmitting a physical copy of the order to a local law enforcement agency authorized by the Department of Justice to enter orders into CLETS.

(2) With the approval of the Department of Justice, entering the order into CLETS directly.

Assembly Bill 1288

Section 11106 of the Penal Code is amended to read:

...(d) (1) Any officer referred to in paragraphs (1) to (6), inclusive, of subdivision (b) of Section 11105 may disseminate the name of the subject of the record, the number of the firearms listed in the record, and the description of any firearm, including the make, model, and caliber, from the record relating to any firearm's sale, transfer, registration, or license record, or any information reported to the Department of Justice pursuant to Section 12021.3, 12053, 12071, 12072, 12077, 12078, 12082, or 12285, if the following

conditions are met:

(A) The subject of the record has been arraigned for a crime in which the victim is a person described in subdivisions (a) to (f), inclusive, of Section 6211 of the Family Code and is being prosecuted or is serving a sentence for the crime, or the subject of the record is the subject of an emergency protective order, a temporary restraining order, or an order after hearing, which is in effect and has been issued by a family court under the Domestic Violence Protection Act set forth in Division 10 (commencing with Section 6200) of the Family Code.

(B) The information is disseminated only to the victim of the crime or to the person who has obtained the emergency protective order, the temporary restraining order, or the order after hearing issued by the family court.

(C) Whenever a law enforcement officer disseminates the information authorized by this subdivision, that officer or another officer assigned to the case shall immediately provide the victim of the crime with a "Victims of Domestic Violence" card, as specified in subparagraph (G) of paragraph (9) of subdivision (c) of Section 13701.

(2) The victim or person to whom such information is disseminated may disclose it as he or she deems necessary to protect himself or herself or another person from bodily harm by the person who is the subject of the record.