

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

455 Golden Gate Avenue  
San Francisco, California 94102-3688

**Report**

TO: Members of the Judicial Council

FROM: Administrative Office of the Courts  
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DATE: May 9, 2006

SUBJECT: Technical Changes to Judicial Council Forms (revise forms DV-110, DV-130, and DV-520-INFO) (Action Required)

Issue Statement

Administrative Office of the Courts staff identified inadvertent typographical omissions in three forms after the forms were approved by the Judicial Council of California on April 21, 2006.

Recommendation

Administrative Office of the Courts staff recommend that the Judicial Council approve the following technical changes to forms DV-110, DV-130, and DV-520-INFO effective July 1, 2006:

1. Revise form DV-110, *Temporary Restraining Order and Notice of Hearing (CLETS—TRO)*, to add the word “least” to the first sentence of item 7, so that the sentence reads: “The person in 2 must stay at least \_\_\_\_\_ yards away from”;
2. Revise form DV-130, *Restraining Order After Hearing (CLETS—OAH)*, to correct the spelling of the word “restrained” in the second line of item 23;
3. Revise form DV-520-INFO, *Get Ready for Your Hearing (For Protected Person)*, to delete the sentence “Take a copy of DV-130 to your local police or sheriff if the clerk does not send it for you” from page 2.

The revised forms are attached at pages 3–14.

### Rationale for Recommendation

These changes are technical in nature and necessary to correct typographical omissions.

The prior version of form DV-110, *Temporary Restraining Order and Notice of Hearing (CLETS—TRO)*, included the word “least” in the first sentence of item 7. The word was inadvertently omitted during revision of the form.

The revision to form DV-130, *Restraining Order After Hearing (CLETS—OAH)*, is necessary to correct the spelling of the word “restrained” in the second line of item 23.

The revision to form DV-520-INFO, *Get Ready for Your Hearing (For Protected Person)*, is necessary to comply with recent amendments to Family Code section 6380. Those amendments require the court to transmit data from Judicial Council forms filed with the court that are related to a domestic violence protective order issued 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 Judicial Council revised six other DVPA forms effective July 1, 2006, to comply with the new statute, but DV-520-INFO was inadvertently overlooked.

### Alternative Actions Considered

No alternatives were considered because the form changes are technical.

### Comments From Interested Parties

This proposal was not circulated for comment because the form changes are technical and noncontroversial.

### Implementation Requirements and Costs

Implementation of the form changes will incur standard reproduction costs.

Attachment

Clerk stamps date here when form is filed.

**DRAFT 24  
06/12/06 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.

<b>Hearing Date</b>	Date: _____	Time: _____	Name and address of court if different from above: _____
	Dept.: _____	Rm.: _____	

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 least \_\_\_\_\_ 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.**

**Temporary Restraining Order  
 and Notice of Hearing (CLETS—TRO)  
 (Domestic Violence Prevention)**



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.**

Clerk stamps date here when form is filed.

**DRAFT 20  
06/12/06 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 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): \_\_\_\_\_

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

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.**

**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.
- 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.