

## 1 Who can ask the court to change or end the *Restraining Order After Hearing*?

- The Protected Party or the Restrained Party can ask to modify (change) or terminate (end) the restraining orders issued in *Restraining Order After Hearing* ([form DV-130](#)) before the orders expire.
- Do not use form FL-300 to ask to renew the restraining orders in form DV-130 before they expire. Use *Request to Renew Restraining Order* ([form DV-700](#)).

## 2 What orders can be changed or ended?

A party may ask the court to change or end any of the orders made on form DV-130, including:

- The restraining orders that protect persons from violence or threat of violence by others (for example, the no contact, stay-away, move out, recording of unlawful communication orders);
- The list of persons protected by the orders;
- Child custody, child visitation (parenting time), or child support orders; and
- Spousal or domestic partner support orders.

## 3 If I ask to end the restraining order, can I keep child custody, visitation, or support orders?

If the restraining order ends, any child custody, visitation (parenting time), support, or spousal or domestic partnership orders will remain in effect, unless the court also changes or ends those orders.

## 4 What if the Restrained Party wants to change or end the restraining orders?

A restrained party must not violate the restraining order to contact the protected party. There are strict requirements if the restrained party asks the court to change or end the orders as described in this form.

## 5 What forms do I fill out to ask to change or end the *Restraining Order After Hearing*?

- To ask for an order to change or end your *Restraining Order After Hearing* (form DV-130):
  - Fill out [form FL-300](#), *Request for Order*.
- To ask to change the child custody or visitation (parenting time) orders, you may need some of these forms:
  - [FL-105](#), *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act*
  - [FL-311](#), *Child Custody and Visitation (Parenting Time) Application Attachment*
  - [FL-312](#), *Request for Child Abduction Prevention Orders*
  - [FL-341\(C\)](#), *Children's Holiday Schedule Attachment*
  - [FL-341\(D\)](#), *Additional Provisions—Physical Custody Attachment*
  - [FL-341\(E\)](#), *Joint Legal Custody Attachment*
- To ask the court to change the child support orders made in form DV-130, you need:
  - A current [form FL-150](#), *Income and Expense Declaration*. You may use [form FL-155](#), *Financial Statement (Simplified)*, instead of form FL-150 if you meet the requirements listed on page 2 of form FL-155.
- To ask the court to change the spousal or partner support orders (or orders about your finances), you need:
  - A current [form FL-150](#), *Income and Expense Declaration*
- To ask the court to make orders for attorney's fees and costs, you need:
  - A current [form FL-150](#), *Income and Expense Declaration*
  - [FL-319](#), *Request for Attorney's Fees and Costs Attachment* (or provide the information in a declaration)
  - [FL-158](#), *Supporting Declaration for Attorney's Fees and Costs* (or provide the information in a declaration)
- If you plan on having witnesses testify at the hearing, you will need:
  - [FL-321](#), *Witness List*
- Additional forms you may need are described on pages 3 and 4 of this information sheet.

## 6 What if I want to respond to a request to change or end the *Restraining Order*?

Complete, file, and serve [form FL-320](#), *Responsive Declaration to Request for Order*. See [form FL-320-INFO](#), *Information Sheet: Responsive Declaration to Request for Order* for more information.



**7 Complete form FL-300 (page 1)**

**Caption:** Complete the top part of the form, including your name, address, telephone number, e-mail address, and the court address.

- **Write the names of the parties in the caption.**

*If you already have a family law case,* use the party names as they are in that case. If you are the Petitioner in that case, you will be the Petitioner on form FL-300. If you are the Respondent in the family law case, you will be the Respondent on form FL-300.

*If you do not already have a family law case,* list yourself as the Petitioner on form FL-300 if you are the Protected Party on the restraining order. List yourself as the Respondent on form FL-300 if you are the Restrained Party on the restraining order.

- **Check all the boxes that apply to the orders you want.**

Check the “Change” box if you want to change the order. Below that, indicate the orders that you want to change; for example, domestic violence order, child custody, visitation (parenting time), spousal or partner support.

If you want to ask the court to end the domestic violence orders, check the box for “Domestic Violence Order.” Then, check “Other, (specify)” and write “End restraining orders in form DV-130.”

**Item 1:** Write the name of the other parties in your case.

**Item 2:** Leave this blank. The court clerk will fill in the date, time, and location of the hearing.

**Item 3:** This is a notice to the other parties in the case.

**Items 4–5:** Leave these blank. The court will complete them if it grants the order.

**Item 6:** In some counties, the court clerk will check item 6 and provide the details for your required child custody mediation or recommending counseling appointment. Other courts require the party or the party’s attorney to make the appointment and then complete item 6 before filing form FL-300. Ask your court’s Family Law Facilitator or Self-Help Center to find out what your court requires.

**Items 7–8:** Leave these blank. The court will complete them if needed.

**8 Complete form FL-300 (pages 2–4)****9 Complete additional forms and make copies**

Complete any additional forms that you need to give to the court clerk when you file the *Request for Order*. Make at least three copies of your full packet.

**10 File your completed forms**

Take them to the clerk’s office in person, mail them, or e-file them (if available in your county). The clerk will keep the original and give you back the copies you made with a court date and time stamped on the first page of the *Request for Order*.

Note: To help schedule the hearing date, tell the clerk if the Protected Party is registered in the Safe at Home program. Extra time is needed for the Protected Party to receive notice after it is served on the Secretary of State.

**11 Filing fee**

Generally, there is no fee to file a request to change or end the orders included in *Restraining Order After Hearing* (form DV-130). However, after a restraining order is ended, the court may charge a fee if a party files a request to change the child custody, visitation, or support orders granted in form DV-130.



**12 Temporary Emergency (Ex Parte) Orders**  
(nondomestic violence restraining orders)

To address emergencies, courts can sometimes grant a party's request for temporary emergency orders with or without notice to the other party before the court hearing. The temporary orders last until the day of the hearing.

- A request for temporary emergency orders must involve an immediate danger or irreparable harm to a party or children in the case, or an immediate loss or damage to property.
- Ask your court's family law facilitator or self-help center to explain procedures for requesting temporary emergency orders at your court, and follow those procedures.
- By law, the court **CANNOT** grant a Restrained Party's request for temporary emergency orders to change or end the restraining orders before the noticed court hearing. However, the Restrained Party may seek a court order for a shorter time until the hearing or for a shorter time to serve the request on the Protected Party.

**13 Serve the Request for Order documents**

The other party must be "served" with a:

- Copy of the *Request for Order* and all the other forms and attachments filed with the court clerk.
- Copy of any temporary emergency orders granted.
- Blank form FL-320, *Responsive Declaration to Request for Order*
- Blank form FL-150, *Income and Expense Declaration* (if you served form FL-150 or FL-155).

**14 General information about "service"**

"Service" is the act of giving your legal papers to all persons named as parties in the case so that they know: what orders you are asking for; whether temporary emergency orders were made before the hearing; the date, time, and location of the hearing; and how to respond to your request.

NOTE: For questions about serving form FL-300, talk with a lawyer or contact your Family Law Facilitator or Self-Help Center <http://www.courts.ca.gov/1083.htm>.

**15 Service deadlines**

Unless the court orders a different deadline: Personal service (hand-delivery) must be completed at least *16 court days* before the hearing. Service by mail must be completed at least *16 court days, PLUS five calendar days*, before the hearing if service is done within the state.

**16 Who can "serve" the documents**

The server must be 18 years of age or older and not be anyone protected or restrained by the orders.

You cannot serve the papers. The server can be a friend, a relative who is not involved in your case, a sheriff, or a professional process server. If serving by mail, the server must live or work in the county where the mailing took place.

**17 When personal service is required**

A Restrained Party's request to change or end restraining orders must always be personally served (hand-delivered) on the Protected Party, unless the court allows another method.

The court granted temporary emergency (ex parte orders) that start before the hearing date. Note: Special procedures apply for personal service on a Protected Party who has a confidential address with the Secretary of State's Safe at Home program. For more information, go to [www.sos.ca.gov/registries/safe-home/applicants-and-participants/program-policies/#child-custody](http://www.sos.ca.gov/registries/safe-home/applicants-and-participants/program-policies/#child-custody).

**18 When service by mail is permitted**

A Protected Party's *Request for Order* to change or end the restraining orders in form DV-130 may be served on the restrained party by mail.

Requests by either party only to change *temporary orders* in form DV-130 for child custody or visitation (parenting time), support, financial, or other orders (NOT protective orders), may be served by mail.

Requests made by either party only to change "*permanent*" or "*final*" orders for child custody and visitation (parenting time), or child support in form DV-130 may be served by mail if an *Address Verification* is included (see form FL-334 at [courts.ca.gov/documents/fl334.pdf](http://courts.ca.gov/documents/fl334.pdf)).



## 19 Server must complete a *Proof of Service*

After the forms are personally served, the server must complete a proof of personal service and give it to you. [Form FL-330, Proof of Personal Service](#) may be used for this purpose. Give the server [form FL-330-INFO, Information Sheet for Proof of Personal Service](#) for instructions.

If service was by mail, the server may use [form FL-335, Proof of Service by Mail](#). Give the server [form FL-335-INFO, Information Sheet for Proof of Service by Mail](#) for instructions.

## 20 File the *Proof of Service* before your hearing

Make three copies of the proof of service. Give the original and copies to the court clerk as soon as possible (or e-file them) **before your hearing**.

The clerk will keep the original and give you back the copies stamped “Filed.” Bring a copy stamped “Filed” to your hearing. The filed *Proof of Service* shows the judge that the person received a copy of the *Request for Order* and all other documents or attachments.

## 21 Get ready for your hearing

Find more information about preparing for your hearing at <http://www.courts.ca.gov/1094.htm>.

## 22 Go to the court hearing

Take at least three copies of your filed forms to the hearing, including the proof of service. At the hearing, the judge will decide whether to change or end the restraining orders.

## 23 What if the judge changes or ends the restraining order at the hearing?

If the judge *changes (amends)* the orders, fill out a new [form DV-130, Restraining Order After Hearing](#) that shows the changed orders orders.

Check the “Amended” box on the top of the form. The court will write the number of the amendment on the form. For example, if it is the first time the order is changed, the court will write “1st” before the word “Amended.”

Give the court three copies of the proposed amended order.

If the judge *ends* the restraining order, give the court [form DV-400, Findings and Order to Terminate Restraining Order After Hearing](#). Complete only items 1 and 2, and give the court three copies.

After the judge signs the order, the clerk will file the original and give you three stamped copies.

## 24 Serve the court order

Have the other party personally served with a copy of the filed orders made on form DV-130 or form DV-400, unless the court orders another method of service or the other party was served at the hearing,

## 25 File the *Proof of Service*

The server must complete a proof of personal service, such as form FL-330, *Proof of Personal Service*. Make three copies.

The original proof of personal service must then be filed with the court clerk. The clerk will file the original and give you back the copies you sent to the clerk stamped “Filed.”

Keep one copy with you and another in a safe place in case you need to show it to the police.

## 26 Get the order entered into the statewide Restraining Order Registry

The court will send the filed, amended form DV-130 or form DV-400 and proof of service to law enforcement for you. That way police across the state and the nation will know the order has changed or ended.

## 27 Need more help?

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

For a referral to a local domestic violence or legal assistance program, call the National Domestic Violence Hotline at 1-800-799-7233 (TDD: 1-800-787-3224). It is free and private. They can help in more than 100 languages.

## 28 *If you need protection in the future, you can always go back to court and ask for a restraining order.*