DV-540-INFO Information for the Restrained Person

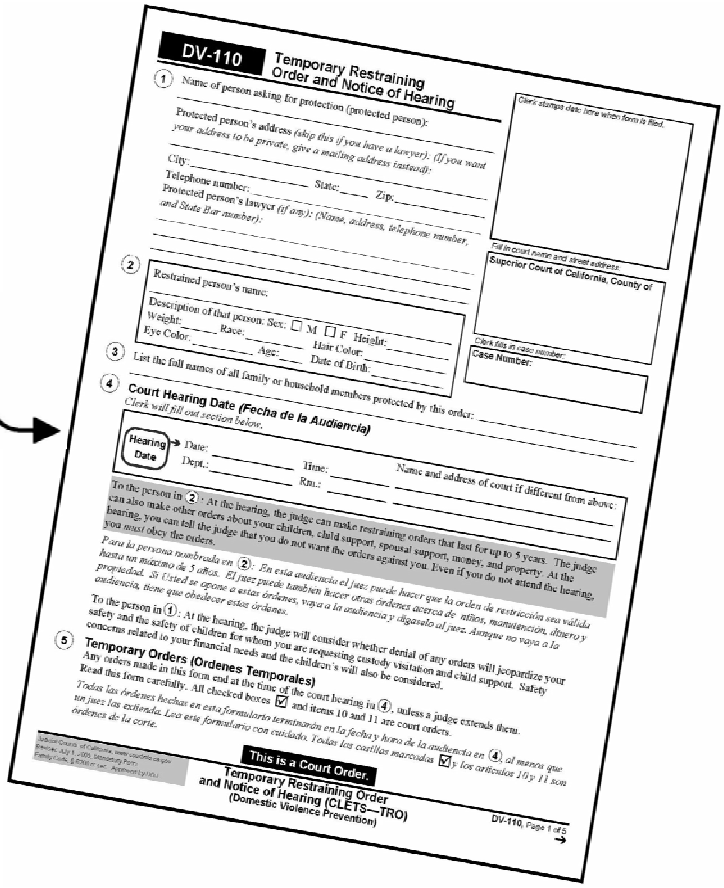
What is a restraining order?
It is a court order.

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.


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):

Clerk stamps clerk's time when form is filed.

Fill in court name and street address:
Superior Court of California, County of

Clerk fills in case number:
Case 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 → 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. 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. 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 your financial needs and the children's 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 these forms carefully. All checked boxes ☑ and items 10 and 11 are court orders.

Todas las órdenes hechas en este 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.
Temporary Restraining Order and Notice of Hearing (CLETS—TRO)
(Domestic Violence Prevention)
DV-110, Page 1 of 2

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.

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* for *Request for Accommodations by Persons With Disabilities and Order* (Form MC-410). (Civil Code, § 54.8.)