

Judicial Council of California • Administrative Office of the Courts

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INVITATION TO COMMENT

SPR11-55

Title	Action Requested
Family Law—Domestic Violence: Adopt Rule of Court Regarding Modification of Child Custody and Visitation Orders and Revise, Approve, Adopt, or Revoke Forms Used in Domestic Violence Prevention Act Cases.	Review and submit comments by June 30, 2011
	Proposed Effective Date
	January 1, 2012
	Contact
Proposed Rules, Forms, Standards, or Statutes Adopt Cal. Rules of Court, Rule 5.381; revise Forms DV-100, DV-101, DV-105, DV-109, DV-110, DV-112, DV-120, DV-125, DV-130, DV-140, DV-145, DV-150, DV-200, DV-250, DV-500-INFO, DV-505-INFO, DV-520-INFO, DV-530-INFO, DV-600, DV-700, DV-700-INFO, DV-710; Adopt Forms DV-126, DV-300, DV-720, DV-730; revise and renumber Forms DV-102, DV-120-INFO, DV-200-INFO; and revoke Forms DV-126-INFO, DV-170, DV-510-INFO, DV-540-INFO, DV-550-INFO, and DV-560	Tamara Abrams, tamara.abrams@jud.ca.gov , 415-865-7712
Proposed by	
Family and Juvenile Law Advisory Committee	
Hon. Kimberly Nystrom-Geist and Hon. Dean Stout, Cochairs	
Elkins Family Law Implementation Task Force	
Hon. Laurie D. Zelon, Chair	

Summary

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2012, revise, approve, adopt, or revoke certain forms used in Domestic

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Violence Prevention Act (DVPA) cases and adopt rule 5.381 of the California Rules of Court regarding modification of child custody and visitation orders in DVPA cases.

This proposal would implement Assembly Bill 1596 (Stats. 2010, ch. 572)¹ which amends, effective January 1, 2012, Family Code section 243(b) to change the time for service on the respondent of a request for orders; Family Code section 6322.7(a) to prohibit the restrained person from taking any action to obtain the address or location of any protected person; Family Code section 6345(a) to indicate that a request for renewal of a restraining order may be brought at any time within the three months before the expiration of the orders; Family Code section 6387 to require the clerk of the court to provide a petitioner, without cost, up to three certified copies of any order issued under the DVPA; and Family Code section 6389 to clarify that a person subject to a restraining order is prohibited from owning, possessing, purchasing, or receiving ammunition.

This proposal would also implement Assembly Bill 939 (Stats. 2010, ch. 352)² which amended, effective January 1, 2011, Family Code section 6340(a) to state that if the court makes any order for custody, visitation, or support in the DVPA action, that order survives the termination of any protective order.³

Finally, the proposal would harmonize and coordinate the DVPA forms with proposed revisions to the Civil Harassment (CH), Elder Abuse (EA), Private Postsecondary School Violence (SV), Workplace Violence (WV) and Juvenile (JV) restraining order forms.⁴

Discussion

In 2007, the Judicial Council's Rules and Projects Committee requested formation of the Protective Orders Working Group (POWG)⁵ to bring together several advisory committees, as well as the Domestic Violence Practice and Procedures Task Force, to jointly address issues relating to the protective order forms. More specifically, the POWG considered challenges

¹ See Attachment A.

² See Attachment B.

³ Proposed revisions to Child Support Information and Order Attachment (form FL-342) and Spousal, Partner, or Family Support Order Attachment (form FL-343) to implement AB 939 are presented in a separate invitation to comment entitled Family Law: Default and Uncontested Judgment Checklist and Related Forms (SPR11-45).

⁴ Form changes reflecting AB 1596 will also be made to the Civil Harassment, Elder Abuse, Private Postsecondary School Violence, and Workplace Violence forms and Juvenile protective order forms. Those form changes are presented in separate invitations to comment from the Civil and Small Claims Advisory Committee and the Family and Juvenile Law Advisory Committee.

⁵ The Protective Order Working Group comprises members from the Civil and Small Claims Advisory Committee, the Family and Juvenile Law Advisory Committee, the Criminal Law Advisory Committee, and the Domestic Violence Practice and Procedure Task Force.

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presented by inconsistencies among the current protective order forms and identified statutory impediments to uniformity among the forms.

There were two main results from the meetings. First, statutory differences were addressed and conformed with Judicial Council–sponsored legislation, Assembly Bill 1596, which was enacted and signed by the Governor in 2010. It will become effective on January 1, 2012. The bill amends sections of the Code of Civil Procedure, Welfare and Institutions Code, Family Code, and Government Code that provide for protective orders relating to civil harassment, private postsecondary school violence, workplace violence, elder and dependent adult abuse, juvenile law, and domestic violence. The purpose of the legislation was to create greater consistency in procedures and practices, eliminate unnecessary statutory differences and fill in procedural gaps. Second, the POWG considered proposed revisions to the format and substance of the various protective order forms with the goal of eliminating unnecessary differences and promoting consistency where possible.

In addition, members of the public have suggested revisions to the DVPA forms over the years. Those suggestions have, where advisable, been implemented in this proposal. A complete outline of the proposed revisions to each form is attached to this Invitation to Comment.⁶

Rule 5.381

The rule would address court procedures for the modification of child custody, visitation, and support orders in accordance with Family Code section 6340(a). The committee specifically requests comment on the proposed rule.

The rule would specify that the court may not require a party to file a new case to request a modification to a child custody, visitation or support order. Further, the rule would provide that a filing fee could be charged on a motion to modify a child custody, visitation or support order only after a protective order, as defined in Family Code section 6218, has terminated. The filing fee, if charged, would be that which is charged for a motion, application, or any other paper requiring a hearing after the first paper.

Forms Revisions

Item numbers would be consistent among the petition, temporary order, response, and order after hearing

Items would be rearranged so that they track consistently among the four major restraining order forms: *Request for Orders to Stop Domestic Violence* (form DV-100), *Temporary Restraining Order* (form DV-110), *Answer to Request for Orders to Stop Domestic Violence* (form DV-120) , and *Order After Hearing* (form DV-130). For example, item number 6 (Personal Conduct

⁶ See Attachment C.

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Orders) is item 6 on Form DV-100, Form DV-110, Form DV-120, and Form DV-130. Many commentators have asked for this revision so that judicial officers and litigants can more easily determine whether the orders requested match the orders responded to and any orders ultimately issued.

Confidential CLETS Information (form DV-102)

Separate *Confidential CLETS Information* forms would be created for each of the six types of civil protective order proceedings and each petition would state at the top of the first page that the CLETS form must be filled out along with the petition.

When the SV forms were created last year, it was decided that having six different Judicial Council form numbers on the CLETS form was unwieldy. Therefore, separate SV-102 and WV-102 forms were created. In keeping with this style, DV-260 and JV-248 would become separate forms. To match the numbering system adopted by the other civil restraining order forms, the form would be renumbered DV-102.

As an alternative to six separate forms, one single form with a universal designator (e.g., CLETS-001) could be created for use in all types of protective order proceedings. The California Courts website could include a universal CLETS form in the form groups pertaining to each type of restraining order so that it is easily found. However, even with such access, petitioners might find a universal form more difficult to locate and inadvertently not include it with their petitions if they are not using the California Courts website and their courts do not provide a forms packet.

The committee specifically seeks comments on whether there should be one universal CLETS information form or six separate forms that are identical except for the form number.

Additional proposed revisions include: (1) removing the two checkboxes at the top of the form that indicate whether the form is the initial submission or is amended; (2) adding the petitioner's mailing address; and (3) deleting the relationship of additional protected people to the protected person.

The committee specifically seeks comments on the inclusion of the address of the protected person on the form.

Temporary Restraining Order (form DV-110) and Order After Hearing (form DV-130) checkboxes

Temporary Restraining Order (form DV-110) would include boxes for applicable items where the court can indicate whether the requested item has been granted, not granted, or not requested. The boxes would be revised to read:

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Not requested Denied Granted as follows:

Some have disagreed with this approach, currently in effect on Form DV-110, stating that the three boxes on the orders are confusing or burdensome. They note that in many courts, litigants and the court continue to handwrite the orders. They prefer the approach still in effect on *Restraining Order After Hearing* (form DV-130), which simply has a check box at the beginning of each item that might be ordered. If the order were denied, the box would not be checked. To make the denial clearer, the judicial officer may also physically cross out an item.

Several judicial officers have indicated that they like the three checkboxes because they prompt the judicial officer to review the request and confirm that he or she has responded to every item requested. In addition, for those courts that complete the orders electronically, it is clearer to check one of the three checkboxes than to physically cross out an item.

This proposal shows the two alternatives: three boxes, as shown above, are used for applicable items on the temporary order (form DV-110) and one box is used for applicable items on the order after hearing (form DV-130). The committee specifically seeks comments on which approach should be used for both of these forms.

Request to Continue Court Hearing or Reissue Temporary Restraining Order, and Order for New Hearing Date on Request for Continuance or Reissuance (forms DV-125 and DV-126)

The reissuance request form would be separated into two forms to conform to the style used by the other civil restraining order forms. In addition, the request form would be revised to clearly indicate that it may be used for either a reissuance or a continuance. A new order form would clearly indicate the court's orders.

Change to Restraining Order After Hearing (form DV-300)

This new form would respond to requests from commentators and judicial officers for a form to notify the Department of Justice of modifications to the *Restraining Order After Hearing* (Form DV-130). The optional form is intended to be used to memorialize a court's order when (1) a restraining order after hearing has been terminated prior to the expiration date stated on the order, (2) child custody or visitation orders have been modified, or (3) one or more additional protected persons have been removed from the order. The form would state that it is to be used only by the court and that parties must use standard family law forms and procedures to request modifications to existing orders. Service of process information would be included to ensure that both parties have a copy of the order.

The committee specifically seeks comments on whether the instructions are clear about how the form is to be used.

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Request to Renew Restraining Order (form DV-700), How Do I Ask the Court to Renew My Restraining Order? (form DV-700-INFO), Notice of Hearing to Renew Restraining Order (form DV-710), Response to Request to Renew Restraining Order (form DV-720), and Order Renewing Restraining Order (form DV-730)

A comprehensive set of forms are proposed to request, respond to, or issue orders for the renewal of protective orders. These forms would match those proposed for the other types of civil protective orders. Currently, the forms for renewal of protective orders consist of the request for renewal, notice of renewal, and information about renewal. The proposal would include a new form for a restrained person to respond to the request for renewal and a new form for the renewal order. Currently, courts memorialize a renewal order by completing a new *Restraining Order After Hearing* (form DV-130) which is time intensive. The *Order Renewing Restraining Orders* (form DV-730) would eliminate the need for the court to complete a new *Restraining Order After Hearing*.

How Do I Turn In or Sell My Firearms? (Form DV-800-INFO/JV-252-INFO)

The form would be revised to conform to revisions proposed by the Civil and Small Claims Advisory Committee to the form's counterpart used with the other civil restraining order forms and to add a juvenile law number so that the form may be used in either a domestic violence or juvenile case type.⁷

General Revisions (applicable to all forms except as specifically indicated on a form).

- Font sizes, line weights, item spacing and placement, and other style issues would conform to the Plain Language Forms style throughout the forms set.
- References to additional pages within an item number would be revised to include just the form number and the title of the item. Specific references to *Additional Page* (form MC-020) or other Judicial Council forms would be eliminated in favor of a consistent reference to a "sheet of paper."
- Form references would be revised to match revised form names and numbers.
- Form titles and numbers would be revised for clarification and to match the titles and numbers used on the other civil restraining order forms.
- The address block for the petitioner and, where appropriate, the respondent, would be revised to more closely match the style used on the other civil restraining order forms. The block would combine the petitioner's and the attorney's address, telephone number, email and fax numbers to save space.
- Each item number would have a bold title (where appropriate).

⁷ Proposed revisions to *How Do I Turn In or Sell My Firearms?* (Form DV-800-INFO/JV-252-INFO) are presented in a separate invitation to comment from the Family and Juvenile Law Advisory Committee. Please refer to that proposal in order to review and comment on the form.

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Several Forms Would be Revoked

The proposal would revoke forms *How to Reissue a Temporary Restraining Order* (form DV-126) (text from this form would be incorporated into *Request to Continue Court Hearing or Reissue Temporary Restraining Order* (form DV-125)), *Other Orders* (form DV-170) (text from this form would be incorporated into *Order After Hearing* (form DV-130)), *I Filled Out the Forms—What Now?*(form DV-510) (text from this form would be incorporated into *Forms you Need for a Temporary Restraining Order* (form DV-505-INFO)), *Information for the Restrained Person* (form DV-540-INFO) (text from this form would be incorporated into *Answer to Temporary Restraining Order* (form DV-120-INFO)), *Get Ready for Your Hearing (For Restrained Person)*(form DV-550-INFO) (text from this form would be incorporated into *Get Ready for the Court Hearing* (form DV-520-INFO)), and *How Can I Make the Order Permanent?* (form DV-560) (text from this form would be incorporated into *Get Ready for the Court Hearing* (form DV-520-INFO)).

Specific Comments Requested

Confidential CLETS Information (form DV-102)

The committee specifically seeks comments on whether there should be one universal CLETS information form or six separate forms that are identical except for the form number.

The committee specifically seeks comments on the inclusion of the address of the protected person on the form.

Temporary Restraining Order (form DV-110) and Order After Hearing (form DV-130) checkboxes

Temporary Restraining Order (form DV-110) would include boxes for applicable items where the court can indicate whether the requested item has been granted, not granted, or not requested. The boxes would be revised to read:

Not requested **Denied** **Granted as follows:**

This proposal shows the two alternatives: three boxes, as shown above, are used for applicable items on the temporary order (form DV-110) and one box is used for applicable items on the order after hearing (form DV-130). The committee specifically seeks comments on which approach should be used for both of these forms.

Change to Restraining Order After Hearing (form DV-300)

The form would state that it is to be used only by the court and that parties must use standard family law forms and procedures to request modifications to existing orders. Service of process information would be included to ensure that both parties have a copy of the order.

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The committee specifically seeks comments on whether the instructions are clear about how the form is to be used.

Attachments

1. Cal. Rules of Court, rule 5.381
2. Forms in numerical order
3. Attachment A: Assembly Bill 1596
4. Attachment B: Assembly Bill 939
5. Attachment C: Specific Revisions to Domestic Violence Prevention Act Forms

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California Rules of Court, rule 5.381 would be adopted effective January 1, 2012, to read as:

1 **Rule 5.381. Modification of child custody, visitation, and support orders in**
2 **Domestic Violence Prevention Act cases**

3
4 **(a) Application of Rule**

5
6 (1) Child custody, visitation, and support orders remain in effect upon the
7 termination of a protective order as defined in Family Code section 6218.

8 (2) This rule addresses court procedures for the modification of child
9 custody, visitation, and support orders in accordance with Family Code
10 section 6340(a).

11
12 **(b) No Requirement to Open Separate Case; Filing Fees**

13
14 The court may not require a party to file a new case to request a modification
15 to a child custody, visitation, or support order. A filing fee may be charged
16 on a request to modify a child custody, visitation, or support order only after
17 a protective order, as defined in Family Code section 6218, has terminated.
18 The filing fee, if charged, is the same as the filing fee for a motion,
19 application, or any other paper requiring a hearing after the first paper.

20
21 **(c) Forms**

22
23 Standard Family Law forms and procedures must be used to modify child
24 custody, visitation, or support orders.

Clerk stamps date here when form is filed.

You must also complete the confidential CLETS Information Form DV-102 and give it to the clerk when you file this Request.

DRAFT Not Approved by the Judicial Council

1 Name of person asking for protection: Your age: Your lawyer in this case (if you have one): Name State Bar No.: Firm Name: Your address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and you want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, and e-mail.): Address: City: State: Zip: Telephone: Fax: E-Mail Address:

Fill in court name and street address:

Superior Court of California, County of

Clerk fills in case number when form is filed.

Case Number:

2 Name of person you want protection from:

Description of person you want protection from:

Sex: M F Height: Weight: Hair Color: Eye color: Race: Age: Date of Birth: Mailing Address (if known): City: State: Zip:

3 Do you want an order to protect family or household members? Yes No If yes, list them here:

Table with columns: Full name, Sex, Age, Lives with you?, Relationship to you. Includes checkboxes for Yes/No for each column.

Check here if you need more space. Attach a sheet of paper and write "DV-100, Protected People" for a title.

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, and the person in 2 is my: parent or mother/father-in-law child or step-child grand parent or grandparent-in-law grand child or grandchild-in-law sister or sister-in-law brother or brother-in-law step parent daughter-in-law or son-in-law
f. We are dating or used to date, or we are or used to be engaged to be married.
g. 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:

If you do not have one of these relationships, the court will not be able to consider your request. Read DV-500-INFO for help.

Check here if you need more space. Attach a sheet of paper and write "DV-100, Children Under 18" for a title.

- h. We have signed a Voluntary Declaration of Paternity for our child or children. (Attach a copy if you have one.)

This is not a Court Order.

Your name: _____

5 Other Court Cases

a. Have you or any other person named in item ③ been involved in another court case with the person in ②?

No Yes *If yes, check each kind of case and indicate where and when each was filed:*

Kind of Case	County or Tribe Where Filed	Year Filed	Case Number (if known)
<input type="checkbox"/> Divorce/Nullity/Legal Separation	_____	_____	_____
<input type="checkbox"/> Civil Harassment	_____	_____	_____
<input type="checkbox"/> Domestic Violence	_____	_____	_____
<input type="checkbox"/> Criminal	_____	_____	_____
<input type="checkbox"/> Juvenile	_____	_____	_____
<input type="checkbox"/> Child Support	_____	_____	_____
<input type="checkbox"/> Parentage/Paternity	_____	_____	_____
<input type="checkbox"/> Other (specify): _____	_____	_____	_____

Check here if you need more space. Attach a sheet of paper and write "DV-100, Other Court Cases" for a title.

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 anyone 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

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

- | | |
|--|--|
| <input type="checkbox"/> Me | <input type="checkbox"/> My vehicle |
| <input type="checkbox"/> My home | <input type="checkbox"/> The children's school or child care |
| <input type="checkbox"/> My job or workplace | <input type="checkbox"/> Each person listed in ③ |
| <input type="checkbox"/> My school | <input type="checkbox"/> Other (specify): _____ |

b. 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, workplace, school, or vehicle? Yes No *(If no, explain):*

8 Move-Out Order

(If the person in ② lives with you and you want that person to stay away from your home, you must ask for this 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): _____

This is not a Court Order.

Your name: _____

9 **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.***10** **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.**11** **Animals: Possession and Stay-Away Order**I ask for the sole possession, care, and control of the animals listed below. I ask the court to order the person in **(2)** to stay at least _____ yards away from and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of the following animals: _____
_____I ask for the animals to be with me because: _____
_____**12** **Child Custody and Visitation**a. I do not have a child custody or visitation order and I want one.b. I have a court order and I want it changed.*If you ask for orders, you must fill out and attach Form DV-105, Child Custody and Visitation Request.***13** **Child Support**a. I do not have a child support order and I want one.b. I have a child support order and I want it changed.c. I now receive or have applied for TANF, Welfare, CalWORKS, or Medi-Cal.*If you ask for child support orders, you must fill out and attach Form DV-150, Income and Expense Declaration or Form FL-155, Financial Statement (Simplified). At the court hearing, the court must consider whether failure to make child support orders will jeopardize your safety and the children for whom support orders are requested. The court will also consider safety concerns related to the financial needs of you and the children.***14** **Property Control**I ask the court to give **only** me temporary use, possession, and control of the property listed here:
_____**15** **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 a sheet of paper and write "DV-100, Debt Payment" for a title.*

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

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

16 **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.**This is not a Court Order.**

Your name: _____

17 **Spousal Support**

You can ask for spousal support 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.

18 **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.

19 **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: \$ _____

20 **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.

21 **Other Orders**

What other orders are you asking for? _____

Check here if you need more space. Attach a sheet of paper and write "DV-100, Other Orders" for a title.

22 **Time for Service (Notice)**

You must have your papers personally served on the person in ② at least five days before the hearing, unless the court orders a shorter time for service. If you want there to be fewer than five days between service and the hearing, explain why below. For help, read Form DV-200-INFO, "What Is Proof of Personal Service?"

23 **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 what you need to do.

24 **Court Hearing**

The court will schedule a hearing on your requests. If the judge does not make the orders effective right away ("temporary restraining orders"), the judge may still make the orders after the hearing. If the judge does not make the orders effective right away, you can ask the court to cancel the hearing and your case will end. Read Form DV-112, *Waiver of Hearing on Denied Request for Temporary Restraining Order* for more information.

This is not a Court Order.

Your name: _____

25 Describe Abuse

Describe how the person in ② abused you. Abuse means to intentionally or recklessly cause or attempt to cause bodily injury to you; or to place you or another person in reasonable fear of imminent serious bodily injury; or to molest, attack, hit, stalk, threaten, batter, harass, telephone, or contact you; or to disturb your peace; or to destroy your personal property. Abuse can be spoken, written, or physical. (For a complete definition, see Family Code §§ 6203, 6320).

a. Date of most recent abuse: _____

b. Who was there? _____

c. Describe how the person in ② abused you or your children: _____

Check here if you need more space. Use a sheet of paper and write "DV-100, Recent Abuse" for a title.

d. Did the person in ② use or threaten to use a gun or any other weapon? No Yes If yes, describe: _____

e. Describe any injuries: _____

f. Did the police come? No Yes

If yes, did they give you or the person in ② an Emergency Protective Order? Yes No I don't know
Attach a copy if you have one.

The order protects you or the person in ②

g. Has the person in ② abused you (or your children) other times? If yes, check here and use Form DV-101 or a sheet of paper to describe any previous abuse.

26 Other Persons to be Protected

The persons listed in item ③ need an order for protection because (describe): _____

27 Number of pages attached to this form, if any: _____

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

Date: _____

Lawyer's name, if you have one

Lawyer's signature

This is not a Court Order.

DV-102

Confidential CLETS Information

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

Important Notice: This form **MUST NOT** become part of the public court file. It is confidential and private.

Fill out as much of this form as you can and give it to the court clerk.

If the court issues a restraining order, the information on this form will be sent by the court to a statewide restraining order database for law enforcement officers. The information helps them enforce the order.

Restraining Order case number (if you know it): _____

1 Person to Be Protected (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 and state: _____

2 Person to Be Restrained (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: _____

3 Guns or Firearms

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

4 Other People to Be Protected

<u>Name</u>	<u>Date of Birth</u>	<u>Sex</u>	<u>Race</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Additional persons to be protected are listed on Attachment 4.

This is not a Court Order—Do not file in court file.

DV-105

Child Custody and Visitation Request

Case Number:

[X] This form is attached to DV-100, Request for Orders to Stop Domestic Violence

1 Your name: _____ [] Mom [] Dad [] Other*

2 Other parent's name: _____ [] Mom [] Dad [] Other*

*If Other, specify relationship to child: _____

3 [] Child Custody

I ask the court for custody as follows:

Legal Custody to: (Person who makes decisions about health, education, and welfare)

Physical Custody to: (Person you want the child to live with)

Table with columns: Child's Name, Date of Birth, Mom, Dad, Other (Legal Custody), Mom, Dad, Other (Physical Custody). Rows a, b, c, d.

[] Check here if you need more space. Attach a sheet of paper and write "DV-105, Child Custody" for a title.

4 [] Change Current Court Order

I want to change a current child custody or visitation court order.

Case Number (if you have it): _____

Explain your current order and why you want a change. _____

[] Check here if you need more space. Attach a sheet of paper and write "DV-105, Change Current Court Order" for a title.

5 Child's Address

Where has the child in 3 lived for the last 5 years? Give each city and state the child has lived unless it is unknown to the other parent and you want to keep it confidential because of domestic violence or child abuse. Start with where the child lives now and work backwards in time. (If the current address is confidential, check the box below and just provide the current state).

Table for child's addresses. Columns: Child 3's addresses (city and state), Confidential, Mom, Dad, Other, Dates lived there. Rows for multiple addresses.

[] Check here if you need more space. Attach a sheet of paper and write "DV-105, Child's Address" for a title.

This is not a Court Order.

Your name: _____

Case Number: _____

6 Other Children's Addresses

- Check here if the other child's (or children's) address information is the same as listed in 5.
- If it is different, check here. Attach a sheet of paper and write "DV-105, Other Children's Addresses" for a title. List other children's address information, including dates, and name of person child lived with.

7 Other Custody Case

Were you involved in, or do you know of, any other custody case for any child listed in this form?

- No Yes If yes, fill out below and attach a copy of any custody or visitation orders if you have them:

a. Name of each child in other custody case: _____

- b. Type of case: Parentage (Paternity) Divorce Child Support Guardianship
- Juvenile Domestic Violence
- Other (specify): _____

c. I was a Witness Party Other (specify): _____

d. Court (name): _____

Address: _____ County: _____ State: _____

e. Date of court order: _____

f. Case number (if you have it): _____

8 Other People With or Claiming to Have Custody or Visitation Rights

Do you know of anyone who is not involved in this case who has or claims to have custody or visitation rights with any child listed on this form? No Yes If yes, fill out below:

Name and address of that person:

- Has custody Claims custody rights Claims visitation rights

For these children (name of each child):

Check here if you need more space. Attach a sheet of paper and write "DV-105, Other People With or Claiming Custody or Visitation" for a title.

9 Visitation

I ask the court to order that the person in 2 have the following temporary visitation rights:

(Check all that apply)

- a. No visitation until the hearing
- b. No visitation after the hearing
- c. The following visitation until the hearing after the hearing

(1) Weekends (starting): _____ (The 1st weekend of the month is the 1st weekend with a Saturday.)

1st 2nd 3rd 4th 5th weekend of month

from _____ at _____ a.m. p.m. to _____ at _____ a.m. p.m.
(day of week) (time) (day of week) (time)

(2) Weekdays (starting): _____

from _____ at _____ a.m. p.m. to _____ at _____ a.m. p.m.
(day of week) (time) (day of week) (time)

This is not a Court Order.

Your name: _____

10 **Other Visitation**

Attach a sheet of paper with other visitation days and times, like summer vacation, holidays, and birthdays. List dates and times. Write "DV-105, Visitation" for a title.

11 **Place and Method of Exchange for Visitation**

The parent will take or pick up the child or make arrangements for someone else to do so.

I ask the court to order that:

- a. Mom Dad Other (name): _____ **take children to** the visits.
- b. Mom Dad Other (name): _____ **take children from** the visits.
- c. Drop-off / pick-up of children will be at (address): _____
- d. Check here if different arrangement. Attach a sheet of paper and write "DV-105, Place and Method of Exchange for Visitation" for a title.

12 **Supervised Visitation**

- a. I ask that the visitation in **9** be supervised by _____
 A professional supervisor A non-professional supervisor Other _____
Name and telephone number, if known: _____
- b. I ask that the visitation in **10** be supervised by _____
 A professional supervisor A non-professional supervisor Other _____
Name and telephone number, if known: _____
- c. I ask that any costs for supervision be paid by:
Mom _____% Dad _____% Other (name) _____ %

13 **Travel With Children**

I ask the court to order that:

- Mom Dad Other (name): _____ **must** have written permission from the other parent, or a court order, to take the children outside of:
- a. The State of California County of: _____
- b. Other place(s) (list): _____

14 **Child Abduction Risk**

- I believe that there is a risk the other parent will take our child out of California and hide the child from me. If you check this box you must fill out and attach Form DV-108, Request for Order: No Travel with Children.

Important Instructions

- You must tell the court if you find out any other information about a custody case in any court for the children listed on this form.
- If the court makes a temporary custody order, the parent receiving custody must not remove the child from California without a noticed hearing. (See Family Code §3063.)

This is not a Court Order.

Clerk stamps date here when form is filed.

DRAFT
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 Name of Person Asking for Protection:

Your lawyer in this case (if you have one):

Name: _____ State Bar No.: _____

Firm Name: _____

Your address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and you want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, and e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

2 Name of Person to Be Restrained:

The court will fill out the rest of this form.

To the Person in 2

3 Notice of Court Hearing

A court hearing is scheduled on the request for orders against you to stop domestic violence.

Hearing Date	Date: _____	Time: _____	Name and address of court if different from above: _____ _____ _____
	Dept.: _____	Room: _____	

- If you want to respond to the request for orders in writing, file Form DV-120, *Response to Request for Orders to Stop Domestic Violence*.
- Whether or not you respond in writing, go to the hearing.
- You may tell the judge why you agree or disagree with the orders requested. You may bring witnesses and other evidence.
- **At the hearing, the judge may make restraining orders against you that could last up to five years.**
- **The judge may also make other orders about your children, child support, spousal support, money, and property and may order you to turn in or sell any firearms that you own or possess.**

This is a Court Order.



Your name: _____

4 Temporary Restraining Orders (any orders granted are attached on Form DV-110)

a. Temporary restraining orders for personal conduct, stay away, and protection of animals, as requested in Form DV-100, *Request for Orders to Stop Domestic Violence*, are:

- (1) All **granted** until the court hearing
- (2) All **denied** until the court hearing (*specify reasons for denial in (b):*)
- (3) Partly **granted** and partly **denied** until the court hearing (*specify reasons for denial in (b):*)

b. Requested temporary restraining orders for personal conduct, stay away, and protection of animals are denied because:

- (1) The facts as stated in form DV-100 do not show reasonable proof of a past act or acts of abuse. (Family Code, §§ 6320 and 6320.5)
- (2) The facts do not describe in sufficient detail the most recent incidents of abuse, such as what happened, the dates, who did what to whom, or any injuries or history of abuse.
- (3) Further explanation of reason for denial, or reason not listed above:

5 Service of Documents and Time for Service—for Both Parties

To the Person in 1

At least ___ days before the hearing, someone age 18 or older—not you or anyone else to be protected—must personally give (serve) a court’s file-stamped copy of this form (DV-109, *Notice of Court Hearing*) to the person in 2 along with a copy of all the forms indicated below:

- a. Form DV-100, *Request for Orders to Stop Domestic Violence*, with applicable attachments (file-stamped)
- b. Form DV-110, *Temporary Restraining Order (CLETS)*, with applicable attachments (file-stamped) **if granted by the judge**
- c. Form DV-120, *Response to Request for Orders to Stop Domestic Violence* (blank form)
- d. Form DV-250, *Proof of Service by Mail* (blank form)
- e. Other (*specify*): _____

- The court cannot make the restraining orders after the court hearing unless the person in 2 has been personally given (served) a copy of your request and any temporary orders. To show that the person in 2 has been served, the person who served the forms must fill out a proof of service form. Form DV-200, *Proof of Personal Service* may be used.
- For information about service, read Form DV-210-INFO, *What Is “Proof of Personal Service”?*
- If you are unable to serve the person in 2 in time, you may ask for more time to serve the documents. Read page 2 of Form DV-125, *Request to Continue Hearing or Reissue Temporary Restraining Order*.

This is a Court Order.



Your name: _____

To the Person in ②

- If you want to respond in writing, mail a copy of your completed Form DV-120, *Response to Request for Orders to Stop Domestic Violence*, to the person in ① **at least _____ days before the hearing**. You cannot mail Form DV-120 yourself. Someone age 18 or older—**not you**—must do it.
- To show that the person in ① has been served by mail, the person who mailed the forms must fill out a proof of service form. Form DV-250, *Proof of Service by Mail*, may be used. File the completed form with the court before the hearing and bring it with you to the hearing.
- For information about responding to a restraining order and filing your answer, read Form DV-120-INFO, *How Can I Respond to a Request for Orders to Stop Domestic Violence?*

Date: _____

Judicial Officer

Right to Cancel Hearing: Information for the Person in ①

- If item ④(a)(2) or ④(a)(3) on page 2 is checked, the judge has denied some or all of the temporary orders you requested until the court hearing. The judge may make the orders you want after the court hearing. You can keep the hearing date, or you can cancel your request for orders so there is no court hearing.
- If you want to cancel the hearing, use Form DV-112, *Waiver of Hearing on Denied Request for Temporary Restraining Order*. Fill it out and file it with the court as soon as possible. You may file a new request for orders, on the same or different facts, at a later time.
- If you cancel the hearing, do not serve the documents listed in item ⑤ on the other person.
- If you want to keep the hearing date, you must have all of the documents listed in item ⑤ served on the other person within the time listed in item ⑤.
- At the hearing, the judge will consider whether denial of any requested orders will jeopardize your safety and the safety of children for whom you are requesting custody or visitation.
- You must come to the hearing if you want the judge to make restraining orders. If you cancel the hearing or do not come to the hearing, any restraining orders made on Form DV-110 will end on the date of the hearing.



Request 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 hearing. Contact the clerk’s office or go to www.courtinfo.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Response* (Form MC-410). (Civil Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate
[seal]

I certify that this *Notice of Court Hearing* 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
Not Approved by the
Judicial Council**

Person in ① must complete items ①, ②, and ③ only.

① Name of Protected Person:

Your lawyer in this case (if you have one):

Name _____ State Bar No.: _____

Firm Name: _____

Your address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and you want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, and e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of

Clerk fills in case number when form is filed.

Case Number:

② Name of Restrained Person:

Description of restrained person:

Sex: M F Height: _____ Weight: _____ Hair Color: _____ Eye color: _____

Race: _____ Age: _____ Date of Birth: _____

Mailing Address (if known): _____

City: _____ State: _____ Zip: _____

Relationship to protected person: _____

③ Additional Protected Persons

In addition to the person named in ①, the following persons are protected by temporary orders as indicated in items ⑤ and ⑥ (family or household members):

<u>Full name</u>	<u>Relationship to person in ①</u>	<u>Sex</u>	<u>Age</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Check here if there are additional protected persons. List them on an attached sheet of paper and write, "DV-110, Additional Protected Persons" as a title.

The court will complete the rest of this form.

④ Expiration Date

This order expires at the date and time of the hearing below:

Hearing date: _____ Time: _____ a.m. p.m.

This is a Court Order.

Your name: _____

5 **Criminal Protective Order**

- a. A criminal protective order or Form CR-160, *Criminal Protective Order—Domestic Violence*, is in effect.
Case Number: _____ County: _____ Expiration Date: _____
- b. No information has been provided to the judge about a criminal protective order.

To the person in 2

The court has granted the temporary orders checked below. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to \$1,000, or both.

6 **Personal Conduct Orders** Not Requested Denied Granted as follows:

- a. You must **not** do the following things to the person in ① and persons in ③:
 - Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, or block movements
 - Contact (either directly or indirectly), telephone, send messages, mail, or e-mail
 - Take any action, directly or through others, to obtain the addresses or locations of the persons in ① and ③. *If this item is not checked, the court has found good cause not to make this order.*
- b. Peaceful written contact through a lawyer or process server or another person as needed to serve DV-120 (*Response to Request for Orders to Stop Domestic Violence*) or other legal papers is allowed and does not violate this order.
- c. Exceptions: Brief and peaceful contact with the person in ①, and peaceful contact with children in ③, as required for court-ordered visitation of children, is allowed unless a criminal protective order says otherwise.

7 **Stay-Away Order** Not Requested Denied Granted as follows:

- a. You **must** stay at least (*specify*): _____ yards away from:

<input type="checkbox"/> The person in ①	<input type="checkbox"/> School of person in ①
<input type="checkbox"/> The persons in ③	<input type="checkbox"/> The children's school or child care
<input type="checkbox"/> Home of person in ①	<input type="checkbox"/> Other (<i>specify</i>): _____
<input type="checkbox"/> The job or workplace of person in ①	_____
<input type="checkbox"/> Vehicle of person in ①	_____
- b. Exceptions: Brief and peaceful contact with the person in ①, and peaceful contact with children in ③, as required for court-ordered visitation of children, is allowed unless a criminal protective order says otherwise.

8 **Move-Out Order** Not Requested Denied Granted as follows:

You must take only personal clothing and belongings needed until the hearing and move out immediately from (*address*): _____

This is a Court Order.

Your name: _____

- 9 No Guns or Other Firearms or Ammunition**
- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.
- b. You must:
- Sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms within your immediate possession or control. This must be done within 24 hours of being served with this order.
 - File a receipt with the court within 48 hours of receiving this order that proves guns have been turned in or sold. (You may use Form DV-800, *Proof of Firearms Turned In or Sold*, for the receipt.)
- c. The court has received information that you own or possess a firearm.
- 10 Record Unlawful Communications** Not Requested Denied Granted as follows:
The person in ① can record communications made by you that violate the judge's orders.
- 11 Animals: Possession and Stay-Away Order** Not Requested Denied Granted as follows:
The person in ① is given the sole possession, care, and control of the animals listed below. The person in ② must stay at least _____ yards away from and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of the following animals: _____
- 12 Child Custody and Visitation Order** Not Requested Denied Granted as follows:
You and the person in ① must follow the orders listed in attached Form DV-140, *Child Custody and Visitation Order*.
- 13 Child Support**
Not ordered now but may be ordered after a noticed hearing.
- 14 Property Control** Not Requested Denied Granted as follows:
Until the hearing, *only* the person in ① can use, control, and possess the following property and things: _____
- 15 Debt Payment** Not Requested Denied Granted as follows:
The person in ② must make these payments until this order ends:
Pay to: _____ For: _____ Amount: \$ _____ Due date: _____
Pay to: _____ For: _____ Amount: \$ _____ Due date: _____
- 16 Property Restraint** Not Requested Denied Granted as follows:
If the people in ① and ② are married to each other or are registered domestic partners,
 the person in ① the person in ② must not transfer, borrow against, sell, hide, or get rid of or destroy any property, including animals, 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.*)

Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order.
- 17 Spousal Support**
Not ordered now but may be ordered after a noticed hearing.

This is a Court Order.

Your name: _____

18 Attorney Fees and Costs
 Not ordered now but may be ordered after a noticed hearing.

19 Payments for Costs and Services
 Not ordered now but may be ordered after a noticed hearing.

20 Batterer Intervention Program
 Not ordered now but may be ordered after a noticed hearing.

21 Other Orders Not Requested Denied Granted as follows:

Additional orders are attached at the end of this order as DV-110, Attachment 21.

22 No Fee to Serve (Notify) Restrained Person
 If the sheriff serves this order, he or she will do it for free.

Date: _____

Judge (or Judicial Officer)

Warnings and Notices to the Restrained Person in 2

You Cannot Have Guns or Firearms

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this 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 a law enforcement agency any guns or other firearms that you have or control as stated in item 9 above. The court will require you to prove that you did so.

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.
- 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 jail or prison and/or pay a fine.
- Read Form DV-120-INFO, *How Can I Respond to a Request for Orders to Stop Domestic Violence?*, to learn how to respond to this order.

Service of Order by Mail

If the judge makes a restraining order at the hearing, which has the same orders as in this form, you will get a copy of that order by mail at your last known mailing address, which is written in 2. If this address is not correct, or to know if the orders were made permanent, contact the court.

This is a Court Order.

Your name: _____

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 age 18. File and serve a *Financial Statement (Simplified)* (Form FL-155) or an *Income and Expense Declaration* (Form FL-150) so the judge will have information about your finances.
- **Spousal support:** File and serve 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 from you.

Instructions for Law Enforcement

This order is effective when made. It is enforceable 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 the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing, the agency shall advise the restrained person of the terms of the order and then shall enforce it. Violations of this order are subject to criminal penalties.

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.

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 states of the 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 will fill out this part.)

—Clerk’s Certificate—

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.

Use this form **only** to waive (cancel) the hearing. (See item ③ on Form DV-109, Notice of Court Hearing).

Clerk stamps date here when form is filed.

DRAFT
Not Approved by the
Judicial Council

① **Name of Person Asking for Protection:**

② **Name of Person to Be Restrained:**

To the Person in ①

- Some or all of the temporary restraining orders you requested were denied for the reasons listed on Form DV-109, *Notice of Court Hearing*.
- The court has set a hearing and might make the orders you want after the hearing.
- Use this form **only** if you want to cancel the hearing date listed on Form DV-109, item ③. If you want to cancel the hearing, sign this form (DV-112) and file it with the court clerk. Do not serve Form DV-109 and other papers on the person in ②.
- If you already served Form DV-109 and other papers on the person in ②, you must notify that person that you have canceled the hearing. If the person in ② files a response before you file this form, the court may hear the case so you should go to the hearing.
- If the hearing is canceled, any temporary orders made on Form DV-110 (*Temporary Restraining Order*) will end on the hearing date. You may file a new request for temporary restraining orders on the same or different facts at a later date.

Fill in court name and street address:

Superior Court of California, County of

Clerk fills in case number when form is filed.

Case Number:

I have read this form and I understand that I have a right to a court hearing. By signing below, I am asking the court to cancel the hearing listed on Form DV-109, *Notice of Court Hearing*. I understand that any orders already made by the court on Form DV-110 (*Temporary Restraining Order*) will end on the hearing date.

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
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 Name of Person Asking for Protection

(See Form DV-100, item 1):

2 Your Name:

Your lawyer in this case (if you have one):

Name State Bar No.:

Firm Name:

Your address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and you want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, and e-mail.):

Address:

City: State: Zip:

Telephone: Fax:

E-Mail Address:

3 Use this form to respond to the Request for Orders to Stop Domestic Violence (Form DV-100)

- Fill out this form and then take it to the court clerk.
• Have the person in 1 served by mail with a copy of this form and any attached pages. (See Form DV-250, Proof of Service by Mail)
• For more information, read Form DV-120-INFO, How Can I Respond to a Request for Orders to Stop Domestic Violence?

The judge will consider your Response at the hearing.

Write your hearing date, time, and place from Form DV-109, Notice of Court Hearing, item 3 here:

Hearing Date

Date: Time:
Dept.: Room:

You must obey the orders in Form DV-110, Temporary Restraining Order, until the hearing.

If you do not come to this hearing, the court may make the orders last for 5 years or longer.

4 Relationship to Person Asking for Protection

- a. I agree to the relationship listed in item 4 on Form DV-100.
b. I do not agree to the relationship listed in item 4 on Form DV-100. (Specify your reasons in item 23, page 4 of this form.)

5 Other Protected People

- a. I agree to the order requested.
b. I do not agree to the order requested. (Specify your reasons in item 23, page 4 of this form.)

6 Personal Conduct Order

- a. I agree to the order requested.
b. I do not agree to the order requested. (Specify your reasons in item 23, page 4 of this form.)

This is not a Court Order.

Your name: _____

- 7** **Stay-Away Orders**
- a. I agree to the order requested.
- b. I do not agree to the order requested. *(Specify your reasons in item 23, page 4 of this form.)*

- 8** **Move-Out Order**
- a. I agree to the order requested.
- b. I do not agree to the order requested. *(Specify your reasons in item 23, page 4 of this form.)*

- 9** **Turn In Guns or Other Firearms**
- If you were served with Form DV-110, Temporary Restraining Order, you must turn in any guns or firearms in your immediate possession or control. You must file a receipt with the court from a law enforcement agency or a licensed gun dealer within 48 hours after you received Form DV-110. You may use Form DV-800, Proof of Firearms Turned In or Sold, for the receipt.*
- a. I do not own or have any guns or firearms.
- b. I ask for an exemption from the firearms prohibition under Family Code § 6389(h) because *(specify):* _____
- c. I have turned in my guns and firearms to the police or sold them to a licensed gun dealer.
- d. A copy of the receipt showing that I turned in or sold my firearms
 is attached has already been filed with the court.

- 10** **Record Unlawful Communications Order**
- a. I agree to the order requested.
- b. I do not agree to the order requested. *(Specify your reasons in item 23, page 4 of this form)*

- 11** **Animals: Possession and Stay-Away Order**
- a. I agree to the order requested.
- b. I do not agree to the order requested. *(Specify your reasons in item 23, page 4 of this form)*

- 12** **Child Custody and Visitation Order**
- a. I agree to the order requested.
- b. I do not agree to the order requested. *(Specify your reasons in item 23, page 4 of this form)*
- c. I am not the parent of the child listed in Form DV-105, *Child Custody and Visitation Request*.
- d. I ask for the following custody order *(specify):*
- _____

- e. I do do not agree to the orders requested to limit the child's travel as listed in Form DV-108, *Request for Order: No Travel with Children*.

- 13** **Child Support Order**
- a. I agree to the child support order requested.
- b. I do not agree to child support order requested. *(Specify your reasons in item 23, page 4 of this form)*
- c. I agree to pay guideline child support.

Whether or not you agree, you must fill out, serve, and file Form FL-150, Income and Expense Declaration or FL-155, Financial Statement.

This is not a Court Order.

Your name: _____

- 14** **Property Control Order**
 a. I agree to the order requested.
 b. I do not agree to the order requested. *(Specify your reasons in item 23, page 4 of this form)*
- 15** **Debt Payment Order**
 a. I agree to the order requested.
 b. I do not agree to the order requested. *(Specify your reasons in item 23, page 4 of this form)*
- 16** **Property Restraint Order**
 a. I agree to the order requested.
 b. I do not agree to the order requested. *(Specify your reasons in item 23, page 4 of this form)*
- 17** **Spousal Support Order**
 a. I agree to the order requested.
 b. I do not agree to the order requested. *(Specify your reasons in item 23, page 4 of this form)*
Whether or not you agree, you must fill out, serve, and file Form FL-150, Income and Expense Declaration.
- 18** **Attorney Fees and Costs**
 a. I agree to the order requested.
 b. I do not agree to the order requested. *(Specify your reasons in item 23, page 4 of this form)*
 c. I request the court to order payment of my attorney fees and costs.
Whether or not you agree, you must fill out, serve, and file Form FL-150, Income and Expense Declaration.
- 19** **Payments for Costs and Services**
 a. I agree to the order requested.
 b. I do not agree to the order requested. *(Specify your reasons in item 23, page 4 of this form)*
- 20** **Batterer Intervention Program**
 a. I agree to the order requested.
 b. I do not agree to the order requested. *(Specify your reasons in item 23, page 4 of this form)*
- 21** **Other Orders** *(see item 21 on Form DV-100)*
 a. I agree to the order requested.
 b. I do not agree to the order requested. *(Specify your reasons in item 23, page 4 of this form)*
- 22** **Out-of-Pocket Expenses**
 I ask the court to order payment of my out-of-pocket expenses because the temporary restraining order was issued without enough supporting facts. The expenses are:
 Item: _____ Amount: \$ _____ Item: _____ Amount: \$ _____
You must fill out, serve, and file Form FL-150, Income and Expense Declaration.

This is not a Court Order.

What is a Domestic Violence Restraining Order?

It is a court order that helps protect people who have been abused or threatened with abuse.

What are the legal requirements?

A Domestic Violence Restraining Order is available if:

- A person has been abused and
- The person who was abused has a certain relationship with the person who did the abuse (married, divorced, separated, registered domestic partnership, dating or used to date, live together or used to live together as more than just roommates), or are closely related (parent or mother/father-in-law, child or step-child, grand parent or grandparent-in-law, grand child or grandchild-in-law, sister or sister-in-law, brother or brother-in-law, step parent, daughter-in-law or son-in-law). See Family Code § 6211).

What is abuse?

Abuse means to intentionally or recklessly cause or attempt to cause bodily injury to the protected person; or sexually assault the protected person; or to place the protected person or another person in reasonable fear of imminent serious bodily injury; or to molest, attack, hit, stalk, threaten, batter, harass, telephone, or contact the protected person; or to disturb the protected person’s peace; or to destroy the protected person’s personal property. Abuse can be spoken, written, or physical.

What if the legal requirements are not met?

There are other kinds of orders:

- Civil harassment order (can be used for neighbors, roommates, cousins, uncles, and aunts)
- Dependent adult or elder abuse restraining order
- Workplace violence order

What does the restraining order do?

The court can order the restrained person to:

- Not contact or harm the protected person, including children listed as protected people
- Stay away from all protected persons
- Not have any guns or ammunition
- Move out of the house
- Follow child custody and visitation orders
- Pay child support
- Pay spousal support
- Obey property orders

How do I tell my side of the story?

File Form DV-120, *Response to Request for Orders to Stop Domestic Violence*, 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. Then, bring a copy of your response on Form DV-120, and the filed *Proof of Service* (Form DV-250), to the hearing.

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.

How long does the order last?

If the court makes a temporary restraining order, it will last until the next hearing date. At that time, the judge will decide to continue or cancel the order. The restraining order can last for up to 5 years. Custody, visitation, child support, and spousal support orders can last longer than 5 years and they do not end when the restraining order ends.

Is there a cost to file my Response (Form DV-120)?

No.

What if I have a gun?

If a protective order is issued, you cannot own, possess, or have a gun, other firearm, or ammunition while it is in effect. If you have a gun or other firearm in your immediate possession or control, you must sell it to a licensed gun dealer or turn it in to a law enforcement agency. Read Form DV-810-INFO, *How Do I Turn In or Sell My Firearms?*

What if I don't obey the court order?

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

Should I go to the court hearing?

If you do not go to court, the judge can make the orders without hearing from you. If you object to the orders being made, go to court on the hearing date listed on page 1 of Form DV-109, *Notice of Court Hearing*.

3 Notice of Court Hearing
A court hearing is scheduled on the request for orders to Stop Domestic Violence.

Hearing Date	→ Date: _____	Time: _____
	Dept.: _____	Rm.: _____

- If you want to respond to the request for orders to Stop Domestic Violence.
- Whether or not you respond in writing, you may tell the court why you do not want to respond.

What if the person seeking protection contacts me?

No matter what, you have to follow the court order. It affects only what *you* can do.

Will I see the person seeking protection 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 or that person's attorney says you can.

What about a lawyer?

Having a lawyer is always a good idea especially if you have children, but it is not required. You are not entitled to a free court-appointed lawyer. Ask the clerk how to find free or low-cost legal services and self-help centers in your county. You can also go to the Family Law Facilitator for help with child support.

Can I bring a witness or other document to the court hearing?

Yes. You can bring witnesses or documents that support your case to the hearing. The judge may or may not let a witness speak at the hearing. So you should also bring copies of the witnesses' written statements of what they saw or heard, signed under penalty of perjury, and provide the other party and the judge with a copy. Your witness can use Form MC-030, *Declaration*, to write a statement.

Can I agree with the person seeking protection to cancel the order?

No. Once the order is issued, only the judge can change or cancel it.



What if I don't speak English?

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

What if I don't have a green card?

The order is valid even if you are not a U.S. citizen. If you are worried about deportation, talk to an immigration lawyer.

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.

What if I have children with the person to be restrained?

The judge can make temporary orders for child custody and visitation. If the judge issues a temporary restraining order that includes an order for custody, the parent with custody may not remove the child from California before notice to the other parent and a court hearing on the order seeking or modifying custody. But, read the order for any other limits. There are some exceptions. Ask a lawyer.

What if I want to leave the county or state?

The restraining order works anywhere in the United States.

What if I am deaf or hard of hearing?

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.)

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.

For help in your area, contact:

[Local information may be inserted]

DV-125

Request to Continue Court Hearing or Reissue Temporary Restraining Order

Use this form to change the hearing date listed on Form DV-109, *Notice of Court Hearing*. (Read page 2 of this form for more information).

Clerk stamps date here when form is filed.

DRAFT
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 Name of Person Asking for Protection:

Your lawyer in this case (if you have one):

Name: _____ State Bar No.: _____

Firm Name: _____

Your address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and you want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, and e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

2 Name of Person You Want Protection From:

Description of person you want protection from:

Sex: M F Height: _____ Weight: _____ Hair Color: _____ Eye Color: _____

Race: _____ Age: _____ Date of Birth: _____

Mailing Address (if known): _____

City: _____ State: _____ Zip: _____

3 I ask the judge to reissue or continue the *Notice of Court Hearing* (Form DV-109) and any temporary restraining orders granted on *Temporary Restraining Order* (Form DV-110).

a. The last hearing date was (date): _____

b. The *Notice of Court Hearing* and any temporary restraining orders have been reissued _____ times.

4 I ask the judge to reissue or continue the *Notice of Court Hearing* and any temporary orders because:

a. I could not get the papers served before the hearing date.

b. The date of the hearing was changed because we were sent to a mediator or other family court services.

c. The person to be restrained asked for time to hire a lawyer or prepare a response.

d. Other (specify): _____
 Check here if you need more space. Attach a sheet of paper and write "DV-125, Other Reason for Request" for a title.

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

Date: _____

Lawyer's name, if you have one

Lawyer's signature

This is a not a Court Order.



Your name: _____

The judge may need to set your hearing for another day. If that happens, you need to complete this form.

The judge may need to set the hearing for another day when:

- The *Notice of Court Hearing* and any temporary restraining orders were not served on time *or*
- Person to be restrained asked for time to get a lawyer or prepare an answer *or*
- You need to meet with a family court mediator or other family court services about child custody or visitation, *or*
- The court has another reason to set the hearing for a different day.

If the judge gives you a new hearing date, follow these steps:

- Fill out this form and top of Form DV-126, *Order for New Hearing Date on Request for Continuance or Reissuance*.
- Give Form DV-126 to the judge to sign and get a new hearing date. In some courts, you must give your form to the clerk for the judge to sign. Ask the court clerk for information on the local process.
- File the form with the clerk. The clerk will make up to three file-stamped copies for you.
- Attach one “filed” copy of Form DV-126 to your other court papers (Forms DV-100, DV-109, and DV-110, if issued). Before the new hearing date, have someone age 18 or older—not you or anyone else to be protected—personally “serve” (give) Form DV-125, Form DV-126, and attachments to the person in ② (person to be restrained). Now the temporary orders, if any, will last until the new hearing date.
- The clerk will send the restraining order to law enforcement or CLETS for you. CLETS is a statewide computer system that lets law enforcement know about your order.
- Bring all of your papers to the next court hearing.

Need help?

Ask the court clerk about free or low-cost legal help or go to www.courts.ca.gov. 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:

Clerk stamps date here when form is filed.

**DRAFT
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 Name of Person to Be Protected:

Your lawyer in this case (*if you have one*):

Name: _____ State Bar No.: _____

Firm Name: _____

Your address (*If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and you want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, and e-mail.*):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

2 Name of Person to Be Restrained:

Clerk will fill out all sections below.

3 Order for New Hearing Date and Reissue Temporary Orders

- a. Denied. Any orders on Form DV-110, *Temporary Restraining Order* will end on the date listed on that order.
- b. Granted. Any orders on Form DV-110, *Temporary Restraining Order* stay in effect until the hearing date below unless this order changes them. The hearing date is changed because:
 - (1) The person asking for protection was unable to have the papers served on time.
 - (2) The parties were sent to a mediator or other family court services.
 - (3) The person to be restrained asked for time to hire a lawyer or prepare a response.
 - (4) Other (*specify*): _____

The *Notice of Court Hearing* and any orders listed on Form DV-110 are reissued and reset for hearing in this court on the date and time below. Unless the court extends the time, any orders will end on the date and time below.

Hearing Date → Date: _____ Time: _____ Name and address of court if different from above: _____
 Dept.: _____ Rm.: _____

Any orders in the temporary restraining order stay in effect unless this order changes them.

This is a Court Order.



Your Name: _____

4 Service of Order for New Hearing Date on Request for Continuance or Reissuance

- a. No further service of this Order is required because both parties were present at the hearing when the new hearing date was ordered.
- b. A copy of this Order must be served on the person in ① at least _____ days before the hearing.
- c. A copy of this Order must be served on the person in ② at least _____ days before the hearing, along with all other documents requesting orders to stop domestic violence. If the reissuance is denied in item ③(a), a copy of the Temporary Restraining Order must *not* be attached or served.

5 No Fee to Serve (Notify) Restrained Person

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

Date: _____

Judicial Officer



Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before the hearing. Contact the clerk’s office for *Request for Accommodations by Persons with Disabilities and Order* (Form MC-410). (*Civil Code, § 54.8*)

(Clerk will fill out this part)
—Clerk's Certificate—

Clerk's Certificate
[seal]

I certify that this *Order for New Hearing Date on Request for Continuance or Reissuance* is a true and correct copy of the original on file in the court.

Date: _____

Clerk, by _____, Deputy

This is a Court Order.

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

This happens when:

- You were not able to get the *Notice of Court Hearing* and any temporary restraining orders 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 *Reissue Notice of Court Hearing and Temporary Restraining Order* (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 the court clerk for information on the local process.
- File the form with the clerk. The clerk will make up to five file-stamped copies for you.
- Attach one "filed" copy of Form DV-125 to your other court papers (Forms DV-100, DV-109, and DV-110, if issued). Have them served personally on the restrained person. Do this right away. Now the temporary orders, if any, will last until the new hearing date.
- The clerk will send the restraining order to law enforcement or CLETS for you. CLETS is a statewide computer system that lets police know about your order.
- Bring all of your papers to the next court hearing.

REVOKED

Need help?

Ask the court clerk about free or low-cost legal help or go to www.courtinfo.ca.gov/selfhelp/lowcost. 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 Notice of Court Hearing and Temporary Restraining Order

Clerk stamps here when form is filed.

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

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

3 I ask the judge to reissue the *Notice of Court Hearing* (Form DV-100) and any temporary restraining orders granted on *Temporary Restraining Order* (Form DV-110).
 a. The last hearing date was (date): _____
 b. The *Notice of Court Hearing* and any temporary restraining orders have been reissued _____ times.

4 I ask the judge to reissue the *Notice of Court Hearing* and any temporary orders because:
 a. I could not get the papers served before the hearing date.
 b. The date of the hearing was changed because we were sent to a mediator or other family court services.
 c. Other (specify): _____

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 *Notice of Court Hearing* and any orders listed on Form DV-110 are reissued and reset for hearing in this court on the date and time below. Unless the court extends the time, any orders will end on the date and time below.
 Name and address of court if different from above: _____

Hearing Date: _____ Date: _____ Time: _____
 Dept.: _____ Rm.: _____
 Any orders in the temporary restraining order stay in effect unless this order changes them.
 Date: _____
 Judge (or Judicial Officer) _____

Judicial Council of California, www.courtinfo.ca.gov
 Revised January 1, 2010, Mandatory Form
 Code of Civil Procedure, § 52791, Approved
 by DCJ **Reissue Notice of Court Hearing and Temporary Restraining Order (Domestic Violence Prevention)** DV-125, Page 1 of 1

Clerk stamps date here when form is filed.

DRAFT 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 Name of Protected Person:

Your lawyer in this case (if you have one):

Name _____ State Bar No.: _____

Firm Name: _____

Your address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and you want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, and e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

2 Name of Restrained Person:

Description of restrained person:

Sex: [] M [] F Height: _____ Weight: _____ Hair Color: _____ Eye color: _____ Race: _____ Age: _____ Date of Birth: _____ Mailing Address (if known): _____ City: _____ State: _____ Zip: _____ Relationship to protected person: _____

3 [] Additional Protected Persons

In addition to the person named in 1, the following persons are protected by temporary orders as indicated in items 5 and 6 (family or household members):

Table with 4 columns: Full name, Relationship to person in 1, Sex, Age

[] Check here if there are additional protected persons. List them on an attached sheet of paper and write, "DV-130, Additional Protected Persons" as a title.

4 Expiration Date

The orders, except as noted below, end at

(time): _____ [] a.m. [] p.m. or [] midnight on (date): _____

- If no end date is written, the restraining order ends three 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 remain in effect after the restraining order ends. Custody, visitation, and child support orders usually end when the child is 18.
The court orders are on pages 2, 3, 4 and 5 and attachment pages (if any).

This order complies with VAWA and shall be enforced throughout the United States. See page 5.

This is a Court Order.

Your name: _____

5 Hearings

- a. The hearing was on (date): _____ with (name of judicial officer): _____
- b. These people were at the hearing (check all that apply):
 - The person in ① The lawyer for the person in ① (name): _____
 - The person in ② The lawyer for the person in ② (name): _____
- c. The people in ① and ② must **return to court** on (date): _____
 at (time): _____ a.m. p.m. to review (specify issues): _____

To the person in ②

The court has granted the temporary orders checked below. Item ⑨ is an order. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to \$1,000, or both.

6 Personal Conduct Orders

- a. The person in ② must **not** do the following things to the protected people in ① and ③:
 - Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, or block movements
 - Contact (either directly or indirectly), telephone, send messages, mail, or e-mail
 - Take any action, directly or through others, to obtain the addresses or locations of any protected persons. (If this item is not checked, the court has found good cause not to make this order.)
- b. Peaceful written contact through a lawyer or process server or another person as needed to serve legal papers is allowed and does not violate this order.
- c. Exceptions: Brief and peaceful contact with the person in ①, and peaceful contact with children in ③, as required for court-ordered visitation of children, is allowed unless a criminal protective order says otherwise.

7 Stay-Away Order

- a. The person in ② **must** stay at least (specify): _____ yards away from:
 - The person in ① School of person in ①
 - The persons in ③ The children's school or child care
 - Home of person in ① Other (specify): _____
 - The job or workplace of person in ① _____
 - Vehicle of person in ① _____
- b. Exceptions: Brief and peaceful contact with the person in ①, and peaceful contact with children in ③, as required for court-ordered visitation of children, is allowed unless a criminal protective order says otherwise.

8 Move-Out Order

The person in ② must move out immediately from (address): _____

This is a Court Order.

Your name: _____

9 No Guns or Other Firearms or Ammunition

- a. The person in ② cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.
- b. The person in ② must:
 - Sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms within his or her immediate possession or control. This must be done within 24 hours of being served with this order.
 - File a receipt with the court within 48 hours of receiving this order that proves guns have been turned in or sold. *(Form DV-800, Proof of Firearms Turned In or Sold, may be used for the receipt.)*
- c. The court has received information that the person in ② owns or possesses a firearm.

10 Record Unlawful Communications

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

11 Animals: Possession and Stay-Away

The person in ① is given the sole possession, care, and control of the animals listed below. The person in ② must stay at least _____ yards away from and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of the following animals: _____

12 Child Custody and Visitation

Child custody and visitation are ordered on the attached Form DV-140, *Child Custody and Visitation Order* or *(specify other form):* _____

13 Child Support

Child support is ordered on the attached Form FL-342, *Child Support Information and Order Attachment* or *(specify other form):* _____

14 Property Control

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

15 Debt Payment

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

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

Check here if you need more space. Attach a sheet of paper and write, “DV-130, Debt Payments” as a title.

16 Property Restraint

The person in ① person in ② must not transfer, borrow against, sell, hide, or get rid of or destroy any property, including animals, except in the usual course of business or for necessities of life. In addition, the 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 “Personal Conduct” order.)*

Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order.

This is a Court Order.

Your name: _____

17 **Spousal Support**

Spousal support is ordered on the attached Form FL-343, *Spousal, Partner, or Family Support Order Attachment* or (*specify other form*): _____

18 **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: _____

19 **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: _____

Check here if you need more space. Attach a sheet of paper and write, "DV-130, Payments for Costs and Services" as a title.

20 **Batterer Intervention Program**

The person in **(2)** 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.

21 **Other Orders**

Other orders (*specify*): _____

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

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

23 **Service**

a. The people in **(1)** and **(2)** 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 **(2)** was not.

(1) Proof of service of Form DV-109 and Form DV-110 (if issued) 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 **(2)** must be served. This order can be served by mail.

(2) Proof of service of Form DV-109 and Form DV-110 (if issued) was presented to the court. The judge's orders in this form are different from the orders in Form DV-110, or Form DV-110 was not issued. Someone—not the people in **(1)** or **(3)**—must personally "serve" a copy of this order to the person in **(2)**.

24 **Criminal Protective Order**

a. Form CR-160, *Criminal Protective Order—Domestic Violence*, is in effect.

Case Number: _____ County: _____ Expiration Date: _____

(*If more orders, list them on an extra sheet of paper and write, "DV-130, Other Criminal Protective Orders" as a title.*)

b. No information has been provided to the judge about a criminal protective order.

This is a Court Order.

Your name: _____

25 **Attached pages are orders.**

- Number of pages attached to this six-page form: _____
- All of the attached pages are part of this order.
- Attachments include (*check all that apply*):
 - DV-140 DV-145 DV-150 FL-342 FL-343
 - Other (*specify*): _____

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 states of the 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.**

Warnings and Notices to the Restrained Person in 2**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.
- 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 jail or prison and/or pay a fine.
- Read Form DV-120-INFO, *How Can I Respond to a Request for Orders to Stop Domestic Violence?*, to learn how to respond to this order.

You cannot have guns, firearms, and/or ammunition.

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, and/or ammunition 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 a law enforcement agency any guns or other 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.

Instructions for Law Enforcement**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 this page.

The orders *end* on the end date in item 4 on page 1. If no end date is listed, they end three years from the hearing date.**This is a Court Order.**

Your name: _____

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.

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).)

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).)

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.**

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.

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.)

(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-140

Child Custody and Visitation Order

Case Number:

This form is attached to (check one): [] DV-110 [] DV-130

1 Name of Protected Person: [] Mom [] Dad [] Other*

2 Other Parent's Name: [] Mom [] Dad [] Other*

* If Other, specify relationship to child:

The Court Orders:

3 [] Child Custody is ordered as follows:

Legal Custody to: (Person who makes decisions about health, education. Check at least one.)

Physical Custody to: (Person the child lives with. Check at least one)

Table with columns: Child's Name, Date of Birth, Mom, Dad, Other*, Mom, Dad, Other*

[] If more children, check here. Attach a sheet of paper and write "DV-140, Child Custody" for a title.

* If Other, specify relationship to child and name of person:

4 [] Child Visitation is ordered as follows:

- a. [] No visitation to [] Mom [] Dad [] Other (name):
b. [] See the attached - page document, dated:
c. [] The parties must go to mediation at:
d. [] Until the next court order, visitation for [] Mom [] Dad [] Other (name): will be:

(1) [] Weekends (starting): (The 1st weekend of the month is the 1st weekend with a Saturday.)
[] 1st [] 2nd [] 3rd [] 4th [] 5th weekend of month
from at a.m. p.m. to at a.m. p.m.

(2) [] Weekdays (starting):
from at a.m. p.m. to at a.m. p.m.

(3) [] Other Visitation

Check here and attach a sheet of paper if there are other visitation days and times, like holidays, birthdays, sports events. List dates and times. Write "DV- 140, Other Visitation" for a title.

5 [] Supervised Visitation or Exchange — Follow orders on attached Form DV-150, Supervised Visitation and Exchange Order.

6 [] Responsibility for Transportation for Visitation

"Responsibility for transportation" means the parent will take or pick up the child or make arrangements for someone else to do so.

- a. [] Mom [] Dad [] Other (name): to the visits.
b. [] Mom [] Dad [] Other (name): from the visits.
c. [] Drop-off / pick-up of children will be at (address):

This is a Court Order.

Protected person's name: _____

7 **Travel With Children**
 Mom Dad Other (name): _____ *must* have written permission from the other parent, or a court order, to take the children outside of:
 a. The State of California
 b. Other place(s) (list): _____

8 **Child Abduction**
 There is a risk that one of the parents will take the children out of California without the other parent's permission. The orders in Form DV-145 are attached and must be obeyed. (Fill out and attach DV-145 to this form.)

9 **Other Orders**
 Check here and attach any other orders to this form. Write "DV-140, Other Orders" as a title.

10 **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 starting with § 3400).

11 **Notice and Opportunity to Be Heard**
 The responding party was given reasonable notice and an opportunity to be heard as provided by the laws of the State of California.

12 **Country of Habitual Residence**
 The country of habitual residence of the child or children in this case is The United States of America or Other (specify): _____.

13 **Penalties for Violating This Order**
 If you violate this order, you may be subject to civil or criminal penalties, or both.

14 **WARNING:** If this order was made without notice to the other parent, the parent with temporary custody of the child is prohibited from removing the child from California until a noticed hearing.

15 **Duration of Child Custody, Visitation, and Support Orders**
 If this form is attached to Form DV-130 (Order After Hearing), the custody and visitation orders in this form remain in effect after the restraining orders on Form DV-130 end.

This is a Court Order.

DV-145

Order: No Travel With Children

Case Number:

[X] This form is attached to DV-140, Child Custody and Visitation Order.

1 Name of Protected Person: _____ [] Mom [] Dad [] Other*

2 Other Parent's Name: _____ [] Mom [] Dad [] Other*

*If Other, specify relationship to child: _____

The Court Finds:

3 There is a risk that (name of parent): _____ might take the children without permission because that parent (check all that apply):

- a. [] Has violated—or threatened to violate—a custody or visitation order in the past
b. [] Does not have strong ties to California
c. [] Has done things that make it easy for him or her to take the child without permission.

He or she has (check all that apply):

- [] Quit his or her job [] Sold his or her home
[] Closed a bank account [] Ended a lease
[] Sold or gotten rid of assets [] Hidden or destroyed documents
[] Applied for a passport, birth certificate, or school or medical records

- d. [] Has a history of (check all that apply):
[] Domestic violence
[] Child abuse
[] Not cooperating with the other parent in parenting
[] Taking the children without permission

- e. [] Has a criminal record
f. [] Has family or emotional ties to another county, state or foreign country

Note: If "f" is checked, at least one other item in items a-e must be checked also.

The Court Orders:

The Court makes the following orders to prevent the parent in 3 from taking the children without permission. These orders are valid in other states and any country that has signed the Hague Convention on The Civil Aspects of International Child Abduction.

4 [] Post a Bond
The parent in 3 must post a bond for \$ _____ .

5 [] Do Not Move Without Permission of the Other Parent or Court Order
The parent in 3 must not move with the children outside [] This county [] California
Other (specify): _____
without written permission from the other parent or a court order.

6 [] Do Not Travel Without Permission of the Other Person or Court Order
The parent in 3 must not travel with the children outside (check all that apply):
[] This county [] California [] The United States [] Other (specify): _____
without written permission of the other parent or a court order.

This is a Court Order.

Your name: _____

- 7 Notify Other State of Travel Restrictions**
 The parent in **(3)** must register this order in the state of _____ before the children can travel to that state for visits.
- 8 Turn In and Do Not Apply for Passports or Other Vital Documents**
 The parent in **(3)** must *not* apply for passports or other documents (such as visas or birth certificates) that can be used for travel, and must turn in the following documents:

- 9 Provide Itinerary and Other Travel Documents**
 The parent in **(3)** must give the other parent the following before traveling with the children:

 - The children’s travel itinerary
 - Copies of round-trip airline tickets
 - Addresses and telephone numbers where the children can be reached
 - An open airline ticket for the other parent in case the children are not returned
 - Other (*specify*):
- 10 Notify Foreign Embassy or Consulate of Passport Restrictions**
 The parent in **(3)** must notify the embassy or consulate of _____ of this order and provide the court with proof of that notification within _____ calendar days.
- 11 Foreign Custody and Visitation Order**
 The parent in **(3)** must get a foreign custody and visitation order equal to the most recent U.S. order before the children can travel to that country for visits. The court recognizes that foreign orders may be changed or enforced depending on the laws of that country.
- 12 Enforcing the Order**
 The court authorizes any law enforcement officer to enforce this order. In this county, contact the Child Abduction Unit of the Office of the District Attorney at:

- 13 Other**

Notice to Authorities in Other States and Countries

This court has jurisdiction to make child custody orders under California’s Uniform Child Custody jurisdiction and Enforcement Act (California Family Code, part 3, § 3400 et seq.) and the Hague Convention on Civil Aspects of International Child Abduction (42 U.S.C. § 11601 et seq.). If jurisdiction is based on other factors, they will be listed in paragraph 13 above.

This is a Court Order.

DV-150

Supervised Visitation and Exchange Order

Case Number: _____

- This form is attached to DV-110, *Temporary Restraining Order*
- DV-130, *Restraining Order After Hearing*

1 **Name of Protected Person:** _____ Mom Dad Other*

2 **Other Parent's Name:** _____ Mom Dad Other*

**If Other, specify relationship to child:* _____

The Court Orders:

3 **Parent to be supervised is:** Mom Dad Other (*name*): _____

4 **Type of Supervision**

- a. Supervised visitation
- b. Supervised exchange for all transfers of children between parents, as listed on Form DV-140, *Child Custody and Visitation Order*
- c. Therapeutic visitation (licensed mental health professional)

5 **Type of Provider**

- a. Professional (individual or supervised visitation center)
- b. Nonprofessional

6 **Provider's Information**

Name: _____

Telephone number: _____

Address: _____

7 **Schedule of Visits**

- a. _____ hours per week or other amount as scheduled with the supervisor. See also item 11 below.
- b. See Form DV-140 for schedule.

8 **Costs Will Be Paid As Follows:**

- Mom to pay: _____ %
- Dad to pay: _____ %
- Other: _____

9 **Contact With Provider**

- Mom to contact provider before (*date*): _____
- Dad to contact provider before (*date*): _____
- Other: _____

10 **Parties are ordered to follow the guidelines and rules of the provider.**

11 **The court also orders (*specify*):** _____

This is a Court Order.

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, including animals, 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.

Clerk stamps date here when form is filed.

DRAFT
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 Name of person asking for protection:

2 Name of person to be restrained:

3 Notice to Server

The server must:

- Be 18 years of age or older.
- Not be listed in items **1** or **3** of form DV-100, *Request for Orders to Stop Domestic Violence*.
- Give a copy of all documents checked in **4** to the restrained person in **2**. (You cannot send them by mail.) Then complete and sign this form, and give or mail it to the person in **1**.



4 I gave the person in **2** a copy of all the documents checked:

- a. DV-109 with DV-100 and a blank DV-120 (*Notice of Court Hearing; Request for Orders to Stop Domestic Violence; blank Response to Request for Orders to Stop Domestic Violence*)
- b. DV-110 (*Temporary Restraining Order*)
- c. DV-105 and DV-140 (*Child Custody and Visitation Request, Child Custody and Visitation Order*)
- d. FL-150 with a blank FL-150 (*Income and Expense Declaration*)
- e. FL-155 with a blank FL-155 (*Financial Statement (Simplified)*)
- f. DV-125 (*Request to Continue Hearing or Reissue Temporary Restraining Order*)
- g. DV-126 (*Order for New Hearing Date on Request for Continuance or Reissuance*)
- h. DV-130 (*Restraining Order After Hearing*)
- i. Other (*specify*): _____

5 I personally gave copies of the documents checked above to the person in **2** on:

a. Date: _____ b. Time: _____ a.m. p.m.

c. At this address: _____

City: _____ State: _____ Zip: _____

6 Server's Information

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

7 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 server's name

Server to sign here

What is “service”?

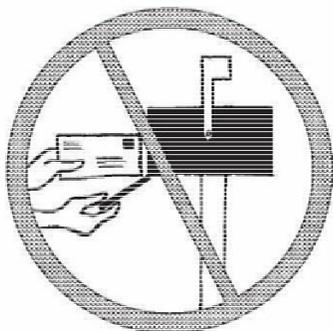
Service is the act of giving your legal papers to the other person. There are many kinds of service—in person, by mail, and others. This form is about personal or “in-person service.” The *Notice of Court Hearing* (Form DV-109), *Request for Orders to Stop Domestic Violence* (Form DV-100) and *Temporary Restraining Order* (Form DV-110) must be served “in person.” That means someone—not you or anyone else protected by the order—must personally “serve” (give) the person to be restrained a copy of the forms.

Service lets the other person know:

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

**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.



Don't serve it by mail!

Who can serve?

Ask someone you know, a process server, or a law enforcement agency (for example, a sheriff) to personally serve (give) a copy of the order to the person to be restrained. You **cannot** send the forms to that person by mail.

The server must:

- Be 18 years of age or over
- Not be protected by the orders
- Not be you or anyone to be protected by the orders

A “registered process server” is a business you pay to deliver court forms. Look for “Process Serving” in the Yellow Pages or on the Internet.

A sheriff can serve the order at no cost to you.

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

How to Serve

Ask the server to:

- Walk up to the person to be served.
- Make sure it's the right person. Ask the person's name.
- Give the person copies of all papers checked on Form DV-200, *Proof of Personal Service*.
- Fill out and sign Form DV-200.
- Give the signed Form DV-200 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 him or her.
- It doesn't matter if the person tears them up.



DV-200-INFO What Is "Proof of Personal Service"?

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-109:

First, look at the hearing date on page 1 of Form DV-109. Next, look at the number of days written in item ⑤ on page 2.

3 Notice of Court Hearing
A court hearing is scheduled on the request for orders.

Hearing Date	→ Date: _____	Time: _____
	Dept.: _____	Rm.: _____

- If you want to respond to the request for orders, you must file a *Response to Request for Orders to Stop Domestic Violence*.
- Whether or not you respond in writing, you may tell the court why you do not.

5 Service of Documents and Time for Service
To: Person _____

At least __ days before the hearing, someone must personally give (serve) a court's file-stamped copy of the orders in item ② along with a copy of all the forms indicated below:

- Form DV-100, *Request for Order*, with attachments
- Form DV-100, *Temporary Restraining Order*, with attachments

granted by the judge on Form DV-120, *Response to Request for Orders*.

Look at a calendar. Subtract the number of days in item ⑤ 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 item ⑤ you must have the papers served 5 days before the hearing.

Who signs the *Proof of Service*?

Only the person who serves the orders can sign the *Proof of Personal Service* (Form DV-200). You do not sign it. The person to be restrained does not sign it.

What happens if I can't get the papers served before the hearing date?

Before your hearing, fill out and file a *Request to Continue Hearing or Reissue Temporary Restraining Order* (Form DV-125) and *Order for New Hearing Date on Request for Reissuance or Continuance* (DV-126). This form asks the judge for a new hearing date and makes any temporary orders last until then. Ask the clerk for the form or go to www.courts.ca.gov.

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 from page 2 of Form DV-125.

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

Bring a copy of the original *Proof of Personal Service* (Form DV-200) to your hearing.

If the sheriff serves the orders, he or she will send the *Proof of Personal Service* to the court and CLETS (California Law Enforcement Telecommunications System), a statewide computer system that lets police know about your order, for you.

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

- Make at least 3 copies.
- If possible, file the original *Proof of Personal Service* (Form DV-200) with the court at least 2 days before your hearing. If you were unable to do this, bring the original *Proof of Personal Service* to your hearing.
- The clerk will send it to CLETS.
- Always keep an extra copy of the restraining orders with you for your safety.

Clerk stamps date here when form is filed.

DRAFT
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:

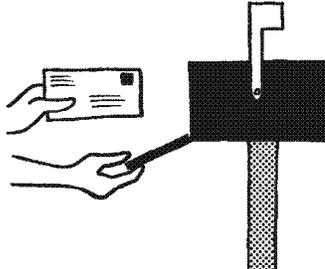
1 Name of person asking for protection:

2 Name of person to be restrained:

3 Notice to Server

The server must:

- Be 18 years of age or over.
- Not be listed in items **1** or **2** of form DV-100, *Request for Orders to Stop Domestic Violence*.
- Mail a copy of all documents checked in **4** to the person in **5**.



4 I (the server) am 18 years of age or over and am a resident or employed in the county where the mailing took place. I mailed the person in **5** a copy of all documents checked below:

- a. DV-112, *Waiver of Hearing on Denied Request for Temporary Restraining Order*
- b. DV-120, *Response to Request for Orders to Stop Domestic Violence*
- c. FL-150, *Income and Expense Declaration*
- d. FL-155, *Simplified Financial Statement*
- e. DV-130, *Restraining Order After Hearing (Order of Protection)*
- f. Other (specify): _____

Note: You cannot serve DV-100, DV-105, DV-109, or DV-110 by mail.

5 I placed copies of the documents checked above in a sealed envelope and mailed them as described below:

- a. Name: _____
- b. To this Address: _____
City: _____ State: _____ Zip: _____
- c. On (date): _____
- d. Mailed from: City: _____ State: _____

6 Server's Information

- Name: _____
- Address: _____
- City: _____ State: _____ Zip: _____
- Telephone: _____
- (If you are a registered process server):
County of registration: _____ Registration number: _____

7 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 server's name

▶ _____
Server to sign here

Clerk stamps date here when form is filed.

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 Name of Protected Person:

2 Name of Restrained Person:

- 3** **Termination of Restraining Order After Hearing**
- a. The Restraining Order After Hearing on Form DV-130 was issued on (date): _____
 - b. The Restraining Order After Hearing was terminated on (date): _____

4 **Modified Child Custody or Visitation Order**
The modified Child Custody or Visitation Order is attached on Form (specify): _____

5 **Additional Protected Person Removed from Restraining Order**
The following person is no longer a protected person on the Restraining Order After Hearing:

<u>Full Name</u>	<u>Sex</u>	<u>Age</u>

6 Other Modifications:

- 7 Notices**
- a. This order does not require service of process to be effective.
 - b. This order does not modify or terminate any other family, criminal, juvenile, civil or probate orders.

8 The court or its designee will transmit this form within one business day to law enforcement personnel for entry into CLETS.

Date: _____

Signature of Judicial Officer

This is a Court Order.

Case Number: _____

Your name: _____

9 Service of this Order

- a. The people in ① and ② were at the hearing or agreed in writing to this order. No other proof of service is needed.
- b. The person in ① was not at the hearing. Someone 18 or over—not anyone else protected or restrained by the restraining order—must personally "serve" a copy of this form DV-300 on the person in ①.
- c. The person in ② was not at the hearing. Someone 18 or over—not anyone else protected or restrained by the restraining order—must personally "serve" a copy of this form DV-300 on the person in ②.



Request 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 hearing. Contact the clerk's office or go to www.courtinfo.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Response* (Form MC-410). (Civil Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate
[seal]

I certify that this *Notice of Court Hearing* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

What is a "Domestic Violence Restraining Order"?

It is a court order that can help protect people who have been abused or threatened with abuse.

Can I get a Domestic Violence Restraining Order?

You can ask for one if:

- A person has abused you *and*
- You have one of the following relationships with that person: married, divorced, separated, registered domestic partnership, dating or used to date, live together or used to live together*;
- Or you are closely related: parent or mother/father-in-law, child or step-child, grand parent or grandparent-in-law, grand child or grandchild-in-law, sister or sister-in-law, brother or brother-in-law, step parent, daughter-in-law or son-in-law. (See Family Code § 6211).

* You have to be more than just roommates.

What is abuse?

Abuse means to intentionally or recklessly cause or attempt to cause bodily injury to you; or sexually assault you; or to place you or another person in reasonable fear of imminent serious bodily injury; or to molest, attack, hit, stalk, threaten, batter, harass, telephone, or contact you; or to disturb your peace; or destroy your personal property. Abuse can be spoken, written, or physical. (See Family Code §§ 6203, 6320)

What if I don't have the relationship necessary to qualify for a domestic violence restraining order?

There are other kinds of orders you can ask for:

- Civil harassment order (can be used for neighbors, roommates, cousins, uncles, and aunts)
- Dependent adult or elder abuse restraining order
- Workplace violence 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 will the restraining order help me?

The court can order the restrained person to:

- Not contact or go near you, your children, other relatives, or others who live with you
- Not have any guns or ammunition
- Move out of your house
- Obey child custody and visitation orders
- Pay child support
- Pay spousal support
- Obey orders about property

How do I ask for a Domestic Violence Restraining Order?

The forms are available at any California courthouse or county law library or at: www.courts.ca.gov/forms

You may get assistance in completing and filing your request from the court's self-help center or a legal aid association.

After completing the forms, give them to the clerk of the court. The clerk will write a hearing date on the *Notice of Court Hearing* (Form DV-109). If your request for temporary orders is granted, the clerk will also give you a copy of the *Temporary Restraining Order* (DV-110) signed by a judicial officer.

See Form DV-505-INFO to know which forms you need and for steps to follow after you complete the forms.

How soon can I get the order?

The judge will decide within one business day whether or not to make any temporary orders. Sometimes the judge decides sooner. Ask the clerk if you should wait or come back later to get copies of the *Notice of Court Hearing* (Form DV-109) and *Temporary Restraining Order* (Form DV-110).

How long does the order last?

If the judge makes a temporary order, it will last until the next hearing date. At that time, the judge will decide to continue or cancel the order. The restraining order can last up to 5 years. Child custody, visitation, child support, and spousal support orders can last longer than 5 years and they do not end when the restraining order ends.



How much does it cost?

Nothing.

How will the person to be restrained know about the order?

Someone who is at least 18—**not you** or anyone else to be protected by the order—must “serve” (give) the person to be restrained a copy of the order in person. The sheriff or marshal will do it for free, but you have to ask. For help with service, ask the court clerk for form DV-200-INFO, *What is “Proof of Personal Service”?*

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

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

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.

What about a lawyer?

Having a lawyer is always a good idea, especially if you have children, but it is not required. You are not entitled to a free court-appointed lawyer. Ask the court clerk about free and low cost legal services and domestic violence help centers in your county. You can also go 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 written statement from a witness, made under oath
- Witnesses
- Photos
- Medical or police reports
- Damaged property
- Threatening letters, e-mails, or telephone messages

The judge may or may not let a witness speak at the hearing. So if possible, you should bring their written statement under oath to the hearing. (*You can use Form MC-030, Declaration, for this purpose.*)

Will I see the restrained person at the court 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 court?

Yes. You can bring someone to sit with you during the court 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 if a court interpreter is available. If the interpreter is not available for your court date, bring someone to interpret for you. Do not ask a child, or anyone to be protected by the order, to interpret for you.

What if I don't have a green card?

You can get a restraining order even if you are not a U.S. citizen. If you are worried about deportation, talk to an immigration lawyer.

What if I am deaf or hard of hearing?

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 Response* (Form MC-410). (Civil Code, § 54.8.)

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

No. Once the order is issued, only the judge can change or cancel it.

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 the order stop the other parent from taking our children away?

If you get a temporary restraining order that includes an order for custody, the parent with custody may not remove the child from California before notice to the other parent and a court hearing on the request to establish or modify custody. But read the order for any other limits. There are some exceptions. Ask a lawyer.

What if I want to leave the county or state?

Your restraining order works anywhere in the United States. If you move out of California, contact the local police so they will know about your orders.

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.

1 Use this form as a checklist.

(Look at the numbers at the top of your forms.)

a. For a restraining order you need:

- DV-100 *Request for Orders to Stop Domestic Violence*
- DV-109 *Notice of Court Hearing*
- DV-110 *Temporary Restraining Order*

b. If you have children with the person you want protection from, you also need:

- DV-105 *Child Custody and Visitation Request*
- DV-140 *Child Custody and Visitation Order*

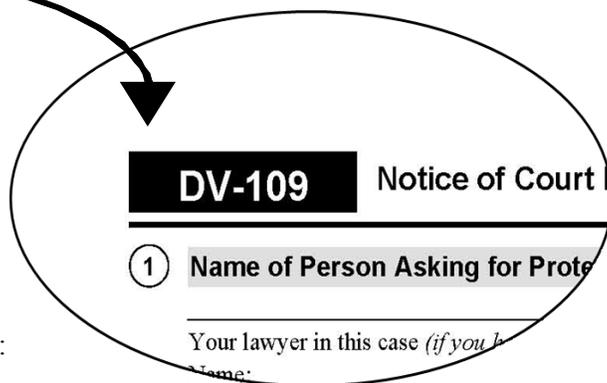
c. If you want child support or spousal support, you also need:

- FL-150* *Income and Expense Declaration* or
- FL-155* *Financial Statement (Simplified)*

* Read *Which Financial Form—FL-155 or FL-150?* (Form DV-570) to know which one is right for you.

d. Ask the clerk if your county has special forms or rules.**e. Other forms you will need (do not fill them out now):**

- DV-120 *Answer to Temporary Restraining Order*
- DV-130 *Restraining Order After Hearing (Order of Protection)*
- DV-200 *Proof of Personal Service*



2 Fill out the forms you need and take them to the court clerk. The clerk will give your forms to the judge. The judge will look at them and decide whether to make (“grant”) the temporary orders. Sometimes the judge will want to talk to you. If so, the clerk will tell you.

3 Find out if the judge made the temporary restraining orders. 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. If the judge grants a temporary restraining order, check it carefully to see what the orders are. The judge might not order everything you requested. The court will set a hearing date on Form DV-109 whether or not the judge grants any temporary orders.

4 “File” the judge’s order. The clerk will keep the original forms for the court and will file-stamp up to three copies for you. If you need more, you may make them yourself.

What to do with your copies:

- Keep one 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, child care, 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.

5 Know your hearing date: Form DV-109

Look at Form DV-109 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 three weeks. Any orders made on Form DV-110 (*Temporary Restraining Order*) will end on the hearing date.

You have the right to cancel the hearing. Read page 2 of Form DV-109 for information.



6 “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 notice of hearing, the order, and other papers. You **cannot** serve the papers yourself. They **cannot** be sent by mail. The server must:

- Be 18 years of age or older
- Not be protected by the orders
- Not be listed in item ① or ③ of Form DV-100, *Request for Orders to Stop Domestic Violence*.

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

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

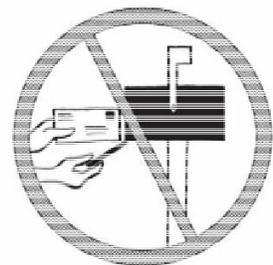
If law enforcement or the process server uses a different Proof of Service form, make sure the form lists all the forms served.

7 File the Proof of Personal Service (Form DV-200).

The *Proof of Personal Service* shows the judge and police that the restrained person got a copy of the request for orders. Make three copies of the completed *Proof of Personal Service*. Take the original and 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 one 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 ④. The court will send your completed *Proof of Personal 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.



Don't serve by mail!



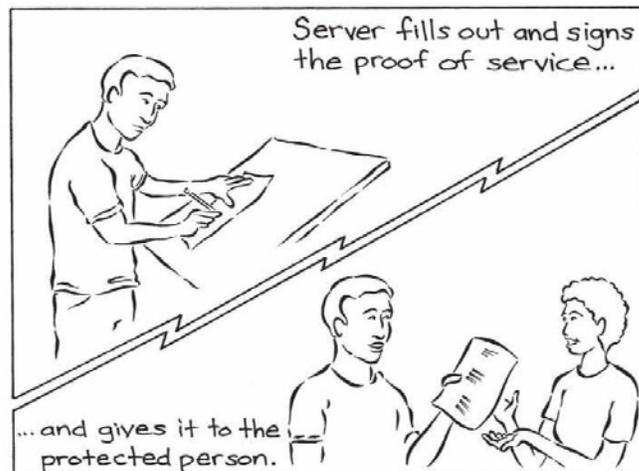
8 If the restrained person wasn't served . . .

The restrained person **must** be served before the hearing. If the restrained person wasn't served, fill out Form DV-125 (*Request to Continue Hearing or Reissue Temporary Restraining Order*) and the top of Form DV-126 (*Order for New Hearing Date on Request for Continuance or Reissuance*) 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 and complete all of the forms again.)

If the judge signs Form DV-126, any restraining orders will last until the new hearing date.

- File the signed order (Form DV-126) with the clerk. The clerk will send it to law enforcement or CLETS for you.
- Attach Form DV-125 and Form DV-126 to your other court papers and have the restrained person personally served.
- If you didn't file the original *Proof of Personal Service*, bring it to your hearing.
- Bring a copy of Form DV-125 and Form DV-126 to your hearing.

After serving the orders, the server fills out and signs Form DV-200, *Proof of Personal Service*, and gives it to you.

**9 Need help?**

The clerk has information sheets that can help you. Or you can get them at: www.courtinfo.ca.gov/forms

- *Can a Domestic Violence Restraining Order Help Me?* (DV-500-INFO)
- *What Is "Proof of Personal Service"?* (DV-200-INFO)
- *Get Ready for the Court Hearing* (DV-520-INFO)
- *How to Enforce Your Restraining Order* (DV-530-INFO)
- *How Can I Respond to a Request for Orders to Stop Domestic Violence?* (DV-120-INFO)
- *How Do I Ask the Court to Renew My Restraining Order?* (DV-700-INFO)
- *Which Financial Form—FL-155 or FL-150?* (DV-570)

10 Need more help?

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

You may 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.

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 (“grant”) the temporary orders. 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 orders.** 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. If the judge grants a temporary restraining order, check it carefully to see what the orders are. The judge might not order everything you requested.
- 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 will file-stamp up to five copies for you. If you need more, make them yourself.

What to do with your copies:

- Keep one 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, child care, 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-109 for the date and time of your hearing.

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

Any orders you have now only last for about three weeks. The orders end on the hearing date.

REMOVED

DV-109 Notice of Court Hearing

1 Name of person asking for protection: _____
 Address (skip this if the person above has a lawyer) (If you want your home address to be private, give a mailing address instead): _____
 City: _____ State: _____ Zip: _____
 Telephone (optional): _____
 Your lawyer (if you have one): _____ State: _____ Zip: _____
 Name: _____ Fax (optional): _____
 Firm name: _____
 Street address: _____ State Bar no.: _____
 City: _____
 Telephone: _____
 E-mail: _____

2 Name of person to be restrained: _____
 State: _____ Zip: _____
 Fax: _____

3 **Notice of Court Hearing**
 A court hearing is scheduled on the request for orders against you to stop domestic violence.
 The court will fill out the rest of this form.
 To the Person in ②

Hearing Date: _____ Date: _____ Time: _____ Name and address of court if different from above: _____
 Dept.: _____ Room: _____

4 **Temporary Restraining Orders** (any orders granted are attached on Form DV-110)
 DV-109, Request for Order, are:
 (1) All granted until the court hearing
 (2) All denied until the court hearing
 (3) Partly granted and partly denied until the court hearing (specify reasons for denial in (b))
 b. Requested temporary restraining orders for personal conduct, stay away, and protection of animals, as requested in Form _____ because:
 (1) The facts as stated in form DV-100 do not show reasonable proof of a past act or acts of abuse. (Family Code, §§ 6320 and 6320.5)

This is a Court Order.
 Notice of Court Hearing
 (Domestic Violence)

DV-109, Page 1 of 3 →

5 “Serve” the restrained person.

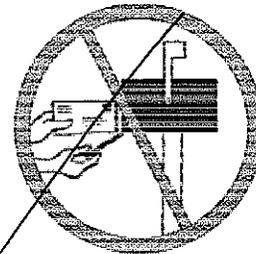
Ask someone you know, a process server, or law enforcement to personally “serve” (give) the restrained person a copy of the orders and other papers. You **cannot** serve the papers yourself. They **cannot** be sent by mail. The server must:

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

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

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.



Don't serve by mail

6 File the Proof of Service (Form DV-200).

The Proof of Service shows the judge and police that the restrained person got a copy of the orders. Make five copies of the completed Proof of Service. Take the original and 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 one 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.

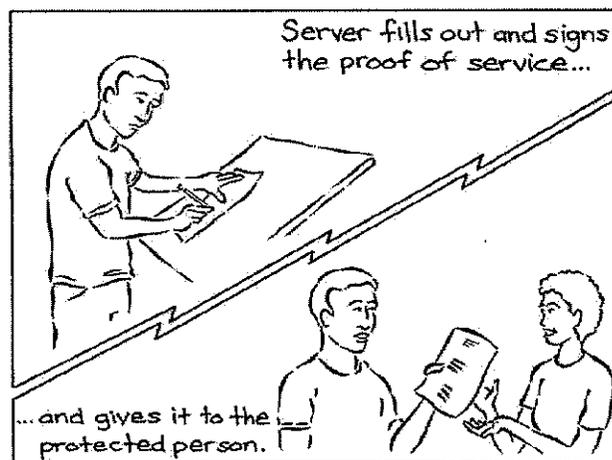
7 If the restrained person wasn't served . . .

The restrained person **must** be served before the hearing. If the restrained person wasn't served, fill out Form DV-125 (*Reissue Notice of Court Hearing and Temporary Restraining Order*) 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 Form DV-125, any restraining orders 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 have the restrained person personally 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.



Be prepared.

- Bring 2 copies of all documents and filed forms, including the *Proof of Service*.
- Bring documents that support your case (police or medical reports, rental agreements or receipts, photos, bills, etc.).
- Either person can bring a “support” person to the court hearing to feel safer. The support person must not talk for either person in court.
- You can bring documents or witnesses to help support your case. If you do, bring the witnesses’ written statements of what they saw or heard, signed under penalty of perjury. Provide the other party with a copy of all documents or witness statements. Your witnesses can write their statements using form MC-030, *Declaration*, or a sheet of paper.
- If you are the person to be restrained, complete, file, and serve Form DV-120 if you haven't already. Bring 3 copies of DV-120 to the hearing.
- Most courtrooms do not allow children. Before the date of the hearing, ask if there is a children’s waiting room in the courthouse.
- Practice what you want to say to the judge. Make of list of the orders you want or the orders you disagree with. If you get nervous at the hearing, just read from your list.

Don't miss the hearing.

- If you are the person asking for protection and you miss the hearing, the restraining orders will end and you will have to complete the paperwork all over again.
- If you are the person to be restrained and you miss the hearing, the judge can still make the orders.

Get there 30 minutes early.

- Find the courtroom.
- When the courtroom opens, go in and tell the clerk or officer that you are present.
- Do not sit near or talk to the other person.
- If you are afraid of the other 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.

The judge may ask questions.

- Tell the truth. Speak slowly. You can read from your list.
- Give complete answers.
- If you don't understand, say “I don’t understand the question.”
- Speak only to the judge, unless it is your turn to ask questions.
- When people are talking, wait for them to finish. Then you can ask them questions about what they said.
- Do not interrupt other than for legal objections.
- If the other person tells a lie, wait until he or she finishes talking, then tell the judge.
- Do not sit near or talk to the other person.
- The person to be protected and the person to be restrained or their lawyers may ask questions.

The judge will decide.

- At the hearing, the judge will consider whether denial of any orders will risk the safety of the person asking for protection or the safety of children for whom custody, visitation, or child support orders are requested. Safety concerns about the financial needs of the person asking for protection will also be considered.
- At the end of the hearing, the judge will say what the orders are. The orders will be put on Form DV-130 (*Restraining Order After Hearing*).

If the judge makes orders at the hearing—Form DV-130**For person to be protected:**

- Sometimes the court clerk will fill out Form DV-130. If not, ask who should fill it out.
- If the court clerk fills out Form DV-130, the clerk will bring the form to the judge.
- If you fill out Form DV-130, bring it to the clerk when you finish.
- Ask the clerk for the local process to get Form DV-130 filed. After the form is filed, the clerk will give you up to three copies.
- Read the signed Form DV-130 carefully. If anything is different from what the judge ordered, tell the court clerk right away or talk to your lawyer if you have one for the case.

For person to be restrained:

- If the judge makes orders at the hearing you must obey them. If you do not, you could be arrested.
- Any orders will be written on Form DV-130. When you receive the signed and filed Form DV-130, read it carefully. If anything is different from what the judge ordered, tell the court clerk right away or talk to your lawyer if you have one for the case.

The judge may “continue” your case.

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

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

The person to be protected may ask the judge to extend the temporary orders until the new hearing date.

Ask the court clerk for the forms you need. Depending on the reason for the new hearing date, you might need *Request to Continue Hearing or Reissue Temporary Restraining Order* (DV-125).

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.
- Either parent can ask to meet with the mediator separately. The protected person may bring a support person to mediation. A support person can provide emotional support but cannot speak for the protected person.
- If you are sent to mediation, the judge may make the restraining, custody, and visitation orders last until the next hearing or until another court order.

What happens after the hearing?

For person to be protected:

- The clerk will send 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 may have him or her served with a copy of Form DV-130 by mail.
- If the restrained person was not at the hearing, but the judge's orders are the *same* as the temporary order, you may have him or her served with a copy of Form DV-130 by mail.
- 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, *Proof of Personal Service*, and give it back to you.
- Keep a copy of the orders with you at all times.

For person to be restrained:

- You will be served with the *Restraining Order After Hearing* (Form DV-130) within a few days, by mail or in person.
- If you do not receive a copy of the orders within a few days after the hearing, ask the clerk for a copy.
- Keep a copy of the orders with you at all times.

Which forms?

Use this checklist to see if you have the right forms for the case:

- Form DV-130 (*Restraining Order After Hearing*) if the judge made orders at the hearing.
- Form DV-140 (*Child Custody and Visitation Order*) if the judge ordered child custody or visitation. Sometimes lawyers use different forms.
- Form FL-342 (*Child Support Information and Order Attachment*) or Form FL-343 (*Spousal, Partner, or Family Support Attachment*) if the judge orders child support and/or spousal support.

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.

What if you are deaf or hard of hearing?



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.)

DV-530-INFO

How to Enforce Your Restraining Order

Get copies.

Get copies of your restraining order (DV-110 or DV-130) and *Proof of Service* (Form DV-200 or DV-250) from the court clerk if you don't already have them:

- Always keep a copy with you. 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 you and the other protected people go (e.g. school, work, daycare, etc.).
- Give a copy to the security officers in your apartment building and workplace.
- Staple the restraining order (DV-110 or DV-130) to the *Proof of Service* (DV-200 or DV-250).

When should I 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.



If you're in danger, call 911!

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.

What can the police do?

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

The restrained person can be arrested, pay a fine, 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 or ammunition while the order is in effect. If the person does any of these things, he or she can go to jail and be ordered to pay a fine of \$1,000.

A law enforcement officer can give you information about any firearms the restrained person has registered, transferred, or sold. (Penal Code section 11106). You may disclose the information as needed to protect yourself or someone else. Tell law enforcement if you have any information about any guns the restrained person has or where they are located..



What does a restraining 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 be sent to jail, fined, or both.

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.

Should I go to the hearing?

Yes. Go to court on the hearing date listed on page one of Form DV-109. 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, *Answer to Temporary Restraining Order*, 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. Bring copies of all documents to the hearing.

What if I have a witness?

You may file a witness statement (also known as a declaration), signed under penalty of perjury, by anyone who has personal knowledge of the facts. You must file and mail witness statements or other documents that support your case at least two days before the hearing or when you mail your *Answer* (Form DV-120) to the protected person. A witness must go to the hearing for the judge to consider the witness statement.

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 or go to www.courtinfo.ca.gov/selfhelp/lowcost.

REVOKE

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 request.

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 the expiration date. At that time, the judge will decide whether to grant or deny a longer-term order. That order can last for up to five years. Spousal support orders can last longer than five 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.

Can the protected person and I make an agreement 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, pay a fine, or both.

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 an 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?**Request 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 Response* (Form MC-410). (Civil Code, § 54.8.)

DV-550-INFO Get Ready for Your Hearing (For Restrained Person)

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 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.

Look at the numbers at the top of your forms.

You can use this form as a checklist.

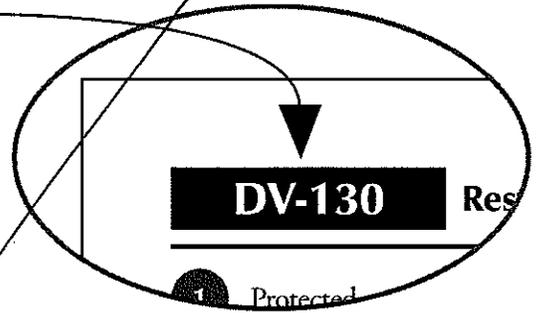
- 1 To get a **permanent restraining order**, fill out:
 - DV-130 Restraining Order After Hearing
- 2 If the judge ordered **child custody or visitation**, also fill out:
 - DV-140 Child Custody and Visitation Order
- 3 If the judge ordered **child support**, also fill out:
 - DV-160 Child Support Order
 - FL-191 Child Support Case Registry Form
- 4 If the judge ordered **payment of debts, payment for costs and services, attorney fees, or property control**, also fill out:
 - DV-170 Other Orders
- 5 Make sure you have every form that you have checked above. Look at the top of each form to make sure the numbers are exactly the same. Complete each form you need.

You can get these forms from your court clerk or from:
www.courtinfo.ca.gov/forms
- 6 **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:



Clerk stamps date here when form is filed.

**DRAFT
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 Name of Protected Person:

Your lawyer in this case (if you have one):

Name: _____ State Bar No.: _____

Firm Name: _____

Your address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and you want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, and e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

2 Name of Restrained Person:

Description of restrained person:

Sex: M F Height: _____ Weight: _____ Hair Color: _____ Eye Color: _____

Race: _____ Age: _____ Date of Birth: _____

Mailing Address (if known): _____

City: _____ State: _____ Zip: _____

Relationship to protected person: _____

3 I am protected by the attached protective/restraining order. The order was made by (name and address of court):

4 The attached order:

- Is a true and correct copy
- Is currently valid and in full force and effect
- Has not been changed, canceled, or replaced by any other order
- Was made in a different state, U.S. territory, Indian tribal court, the District of Columbia, Puerto Rico, US Virgin Islands, or in a military court
- Expires on (date): _____

5 I ask that the attached order be registered with this court for entry into the California Law Enforcement and Telecommunication System (CLETS). My request is voluntary. I understand that registration of the order is not necessary for enforcement.

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

Date: _____

Type or print your name



Sign your name

This is a Court Order.



Case Number: _____

Your name: _____

The attached out-of-state restraining order is registered, valid, and enforceable in California, and can be entered into CLETS, unless it ends or is changed by the court that made it.

Date: _____
 _____
Judge (or Judicial Officer)

Court Clerk Must Seal This Form and Attached Foreign Protection Order

This form sets forth the procedure to register a foreign protective order under Family Code section 6404. No court hearing is required to register the foreign protection order. This form and the attached foreign protection order must be sealed pursuant to Family Code section 6404(a). Access to the foreign protective order is allowed only to law enforcement, the person who registered the order upon written request with proof of identification, the defense after arraignment on criminal charges involving an alleged violation of the order, or upon further order of the court.

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate
[seal]

I certify that this *Notice of Court Hearing* 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 below when form is filed.

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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 Name of Protected Person:

Your lawyer in this case (if you have one):

Name: State Bar No.:

Firm Name:

Your address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and you want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, and e-mail.):

Address:

City: State: Zip:

Telephone: Fax:

E-Mail Address:

2 Name of restrained person:

Describe that person: Sex: M F Ht.: Wt.:

Race: Hair Color:

Eye Color: Age: Date of Birth:

3 I ask the court to renew the Restraining Order After Hearing (DV-130). A copy of the order is attached.

a. The order ends on (date):

b. The order has been renewed times.

c. I want the order to be renewed for (check one):

5 years permanently other (specify time period):

4 I ask the court to renew the order because: (Check all that apply. Explain why you are afraid of abuse in the future):

a. The person in 2 has violated the order (explain what happened):

b. I am afraid that the person in 2 will abuse me in the future because:

c. Other (explain):

Check here if you need more space. Attach a sheet of paper and write "Form DV-700, Other" for a title.

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.

DV-700-INFO How Do I Ask the Court to Renew My Restraining Order?

1 What does “renew” mean?

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

2 When do I ask for the renewal?

Anytime within the three months before the date your current order ends (see Form DV-130).

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 What will the judge want to know?

The judge may renew a restraining order without a showing of any abuse since the original order. However, you must show a reasonable fear of abuse in the future.

5 How much does it cost?

Nothing.

6 Do I have to go to court?

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

7 What are the steps?

- Fill out:
 - Form DV-700 (*Request to Renew Restraining Order*)
 - Form DV-710 (*Notice of Hearing to Renew Restraining Order*)
- Attach a copy of your current *Restraining Order After Hearing* (Form DV-130) to Form DV-700.
- Make at least 3 copies of all forms.
- Take the 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-710, the court will send it to law enforcement or CLETS for you. CLETS is a statewide computer system that lets law enforcement know about your order.

8 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.

9 Have someone age 18 or older 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*)
- DV-720 (*Response to Request to Renew Restraining Order*)—leave it blank for the restrained person to answer.

For information on “service,” read Form DV-200-INFO (*What is “Proof of Personal Service”*). Someone 18 or older—not you or anyone protected by the restraining order—can serve the order. The person who serves the forms must complete the *Proof of Personal Service* (Form DV-200).

This is not a Court Order.



10 File the *Proof of Personal Service*.

- The *Proof of Personal Service* (Form DV-200) shows the judge that the restrained person knows about the hearing date.
- Make 3 copies of the original *Proof of Personal 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 Personal Service* to law enforcement or CLETS for you. CLETS is a statewide computer system that lets police know about your order.

11 Go to the court hearing.

At the hearing, the judge will decide whether or not to renew the order. Bring a copy of the *Proof of Personal Service* (Form DV-200) with you.

12 If the judge renews the order at the hearing . . .

- The form *Order to Renew Restraining Order to Stop Domestic Violence* (Form DV-730) 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 Form DV-730 after it is filled out.
- The clerk will file the original and give you up to 3 stamped copies.
- The court will send Form DV-730 to law enforcement or CLETS for you. CLETS is a statewide computer system that lets law enforcement 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-730 by mail. Ask the server to complete Form DV-250 (*Proof of Service by Mail*) and give it to you.
- If the restrained person was not at the hearing, you must have someone serve Form DV-730 in person, not by mail. Ask the server to complete Form DV-200 (*Proof of Personal Service*) and give it to you.

13 File your *Proof of Service*.

- Make 3 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
- 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.

Clerk stamps date here when form is filed.

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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 Name of Protected Person:

Your lawyer in this case *(if you have one)*:
Name: _____ State Bar No.: _____
Firm Name: _____
Your address *(If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and you want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, and e-mail.)*:
Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____
E-Mail Address: _____

2 Name of Restrained Person:

Description of restrained person:

Sex: M F Height: _____ Weight: _____ Hair Color: _____ Eye Color: _____
Race: _____ Age: _____ Date of Birth: _____
Mailing Address *(if known)*: _____
City: _____ State: _____ Zip: _____
Relationship to protected person: _____

Court will fill in the rest of this form.

3 Court Hearing

The judge has set a court hearing date.

The current restraining order (*Order of Protection*) stays in effect until the hearing date.

Name and address of court if different from above:

**Hearing
Date**

→ Date: _____ Time: _____
Dept.: _____ Rm.: _____

To the person in 2:

At the hearing, the judge can renew the current restraining order for up to another 5 years or permanently. Before the hearing, you can file a response on form DV-720. You *must* continue to obey the current restraining orders until the hearing. At the hearing, you can tell the judge why you agree or disagree with the request to renew the orders. If the restraining orders are renewed, you *must* obey the orders even if you do not attend the hearing.

This is a Court Order.



Your name: _____

4 Service and Response**To the Person in ①**

Someone 18 or over—**not you or anyone else protected by the restraining order**—must personally “serve” a copy of the following forms on the person in ② at least _____ days before the hearing.

- DV-700, *Request to Renew Restraining Order*;
- DV-710, *Notice of Hearing to Renew Restraining Order* (this form);
- DV-720, *Response to Request to Renew Restraining Order* (blank copy);
- DV-130, the current *Restraining Order After Hearing* that you want to renew.

After the person in ② has been served, file Form DV-200, *Proof of Personal Service*, with the court clerk. For help with service, read Form DV-200-INFO, “*What is Proof of Personal Service?*” **Bring a copy of Form DV-200, *Proof of Personal Service*, to the court hearing.**

To the Person in ②

If you want to respond in writing to the request to renew the restraining order, fill out form DV-720, *Response to Request to Renew Restraining Order*. File the original with the court, and have someone 18 or over—**not you**—mail a copy of it to the person in ① at least _____ days before the hearing. Also file form DV-250, *Proof of Service by Mail*, with the court before the hearing. **Bring a copy of Form DV-250, *Proof of Service by Mail*, to the court hearing.**

Date: _____

▶

Judicial Officer

**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.)

Use this form to respond to the Request to Renew Restraining Order (Form DV-700)

- Fill out this form and then take it to the court clerk.
- Have someone—**age 18 or older**—serve the person in ① by mail with a copy of this form and any attached pages. (Use Form DV-250, Proof of Service by Mail.)

Clerk stamps date here when form is filed.

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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 Protected Person (Form DV-700, item ①):

② Restrained Person:

Your lawyer in this case (if you have one):

Name: _____ State Bar No.: _____

Firm Name: _____

Your address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and you want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, and e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

③ Response

- a. I agree to **renew** the order.
- b. I do not agree to **renew** the order.

④ I ask the court not to renew the order because (specify):

Check here if you need more space. Attach a sheet of paper and write "DV-720, Reason to Not Renew" for a title.

The court will consider your Response at the hearing. Write your hearing date, time, and place from Form DV-710, item ③ here:

Hearing Date → Date: _____
Time: _____

Dept.: _____ Room: _____

You must continue to obey the current restraining order on Form DV-130 (Restraining Order After Hearing) until the hearing. If you do not come to the hearing, the court may renew the order against you up to 5 years or permanently.

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

Date: _____
Your lawyer's name, if you have one

Lawyer's signature

Clerk stamps date here when form is filed.

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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 Name of Protected Person:

Your lawyer in this case (if you have one):

Name: State Bar No.:

Firm Name:

Your address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and you want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, and e-mail.):

Address:

City: State: Zip:

Telephone: Fax:

E-Mail Address:

2 Name of Restrained Person:

Description of restrained person:

Sex: M F Height: Weight: Hair Color: Eye Color:

Race: Age: Date of Birth:

Mailing Address (if known):

City: State: Zip:

Relationship to protected person:

3 Hearing

There was a hearing on (date): at (time): a.m. p.m. Dept. Room:

These people were at the hearing:

a. The person in 1 c. The lawyer for the person in 1 (name):

b. The person in 2 d. The lawyer for the person in 2 (name):

4 Renewal and Expiration

The request to renew the attached Restraining Order After Hearing to Stop Domestic Violence (Form DV-130), issued on (date): is:

a. DENIED. The attached order expires as stated in item 4 of the order.

b. GRANTED. The attached order is renewed and will now be in effect for:

5 years permanentl other time to continue the matter

The attached order will expire at:

(time): a.m. p.m. or midnight (date):

If no expiration date is written here, the order expires three years from the date of the hearing in item 3 above.

Date:

Judicial Officer

This is a Court Order.

Attachment A

Applicable Family Code Sections Relating to Assembly Bill 1596 (Stats. 2010, chapter 572)
Effective January 1, 2012

243. (a) When the matter first comes up for hearing, the petitioner must be ready to proceed.

(b) If a petition under this part has been filed, the respondent shall be personally served with a copy of the petition, the temporary order, if any, and the notice of hearing on the petition. Service shall be made at least five days before the hearing.

(c) If the petitioner fails to comply with subdivision (a) or subdivision (b), the court shall dissolve the order.

(d) If service is made under subdivision (b), the respondent may file a response that explains or denies the allegations in the petition. The respondent is entitled, as a matter of course, to one continuance for a reasonable period, to respond to the petition for orders.

(e) On motion of the petitioner or on its own motion, the court may shorten the time provided in this section for service on the respondent.

(f) If the response is served on the petitioner at least two days before the hearing, the petitioner is not entitled to a continuance on account of the response.

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 any protected person, unless there is good cause not to make that order.

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

6345. (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. The request for renewal may be brought at any time within the three months before the expiration of the orders.

(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.

6387. The court shall order the clerk of the court to provide to a petitioner, without cost, up to three certified, stamped, and endorsed copies of any order issued under this part, and of an extension, modification, or termination of the order.

Attachment B

Family Code Section Pertaining to Assembly Bill 939 (Stats. 2010, Ch. 352)

6340. (a) The court may issue any of the orders described in Article 1 (commencing with Section 6320) after notice and a hearing. When determining whether to make any orders under this subdivision, the court shall consider whether failure to make any of these orders may jeopardize the safety of the petitioner and the children for whom the custody or visitation orders are sought. If the court makes any order for custody, visitation, or support, that order shall survive the termination of any protective order. The Judicial Council shall provide notice of this provision on any Judicial Council forms related to this subdivision.

Attachment C

Specific Revisions to Domestic Violence Prevention Act Forms

Form DV-100, *Request for Orders to Stop Domestic Violence*

- The form would be renamed to “Request for Orders to Stop Domestic Violence” to differentiate it from other types of requests or petitions.
- Item one would be revised to add age to petitioner name line.
- Item 4 regarding the relationship of the parties would be revised to specify the exact relationships that are included in the second degree of consanguinity or affinity and to add a warning that the court will not be able to consider the petition unless at least one of the specified relationships is met.
- Item 5 would be revised to create a table for the other possible cases that may exist. In addition, options for county or tribe where filed would be added.
- Item 6 would be revised to reflect amended Family Code section 6322.7 (AB 1596, Ch. 572, 2010) effective January 1, 2012, to remove family members, caretakers, or guardians from the list of people included in the prohibition.
- Item 7 would be revised to add “my school” to the stay away list.
- Item 8 would be revised to add italicized text to alert the petitioner that a Move-Out Order must be requested if the petitioner and respondent live together and a Stay-Away Order is requested.
- Item 12 would be revised to separate child support from child custody and visitation order requests. Checkboxes would be added to clarify the status of any current orders and requests.
- Item 13 would be revised to add checkboxes to clarify the status of any child support requests and orders.
- Item 22 would be revised to indicate that in the absence of an order shortening time for service of process, the time for service would be five days before the hearing to comply with amended Family Code section 243, effective January 1, 2012 (AB 1596, Ch. 572, 2010).
- Item 24 would be revised to respond to a comment from the Trial Court Presiding Judges/Court Executives Advisory Committees Joint Rules Working Group during the spring 2009 comment period. The working group suggested that Form DV-100 be revised to notify the petitioner that a court hearing would be set even if the request for temporary orders pending the hearing was denied. In addition, the group requested a checkbox to allow the petitioner to indicate to the court whether or not the petitioner wanted the matter set for hearing if the temporary orders are not issued. The committee carefully considered this comment and concluded that a notice regarding the court hearing would be helpful but a checkbox to cancel the hearing would be premature. It would be helpful to allow the petitioner time to seek legal counsel before deciding to cancel the hearing.
- Item 25 would be revised to define abuse to more closely track Family Code sections 6203 and 6320 to provide guidance for petitioners.

- Item 26 would be added to allow the protected person to indicate why any additional people should be included in the order.
- Attorney signature lines would be added to conform to general forms style.
- Form would increase from four pages to five pages.

Form DV-101, *Description of Abuse*

Section (f) in items 3 and 4 would be revised to clarify who is protected by an Emergency Protective Order.

Form DV-105, *Child Custody and Visitation Request*

- Form would be renamed to eliminate child support. That item was moved to Form DV-100, *Request for Order*.
- Item numbers would be reorganized to flow better. Text would be added to clarify that the items are requests.
- Internal form references would be revised to match revised form names and numbers.
- Item 5 would be clarified to more clearly describe the option for address confidentiality.
- Item 7 would add certain case types and a prompt to attach existing order if available.
- Item 11 would add prompts for types of supervisors and names.
- Item 14 would add a warning regarding Family Code section 3063 (parent receiving temporary custody order must not remove child from California without a noticed hearing).
- An instruction would be added at the bottom of page 3 to warn parties about the automatic restrictions on removing minor children under Family Code section 3063.

DV-109, *Notice of Court Hearing*

- The warnings in item 3 would be highlighted by separating them into separate sentences.
- Item 4 would be consolidated to the same page instead of the format currently in use which has a page break in the middle of the item.
- A notice would be added to comply with the requirement of Family Code section 6340(a) alerting the person seeking protection that at the hearing the court will consider whether denial of any requested orders will jeopardize the petitioner's safety and the safety of children for whom the petitioner is requesting custody or visitation.
- A notice would be added to alert the person seeking protection that if she or he does not come to the hearing or cancels the hearing then any temporary orders already issued will end on the date of the hearing.
- References to other form names would be updated to reflect the revised form names.

DV-110, *Temporary Restraining Order*

- Item numbers would track among four major forms (petition, temporary order, response, order after hearing). To do this, placeholders would be added to Form DV-110 to address those requests that could be ordered only after a noticed hearing. For example, see item 13 and items 17–20 on Form DV-110.

- Based on a comment received during the spring 2009 RUPRO cycle, items 6 and 7 would be revised to include a more precise exception for contact related to visitation.
- Item 16 would be revised to provide individual checkboxes to restrain either or both the petitioner and respondent.
- The notice to the restrained person about service by mail, if the order after hearing contains the same orders as the temporary order, would be moved to the section with other warnings to the restrained person.
- The instructions for law enforcement would be revised to add that arrest is required if the order is violated. That section was on the form several years ago but was eliminated when the majority of the instructions for law enforcement were eliminated to save space on the form.

DV-112, *Waiver of Hearing on Denied Request for Temporary Restraining Order*

The notices to the petitioner would be revised to clarify that if the petitioner files the form to waive the hearing and the hearing is canceled, any temporary orders will end on the hearing date.

DV-120, *Response to Request for Orders to Stop Domestic Violence*

- The name of the form would be revised to be consistent with the naming of the responsive declaration for civil harassment and the other civil restraining orders.
- Items would be added to allow the respondent to address the petitioner's allegations regarding the relationship of the parties and the names of any additional people to be protected.
- The checkboxes for "I agree to the order requested" and "I do not agree to the order requested" would be separated and moved to separate lines instead of appearing on the same line.
- Items would be rearranged to follow the proposed new numbering of Form DV-100, Form DV-110 and Form DV-130.
- Item 9 would be revised to be consistent with the style adopted by the other civil forms to add a warning about the requirement to relinquish firearms.
- Item 23 and blank lines would be added to provide the respondent with space on the form to answer.
- An attorney signature line would be added.
- The form would increase from two pages to four.

DV-120-INFO, *How Can I Respond to a Request for Orders to Stop Domestic Violence?*

- The proposal would incorporate most of the text currently found on Form DV-540-INFO, *Information for the Restrained Person*. However, it would be expanded to match more closely the text on the information sheet for the person seeking the order and would be reorganized for improved flow.
- An instruction would be added to warn the respondent about the automatic restrictions on removing minor children in accordance with Family Code section 3063.

- The form would replace Form DV-550-INFO to comply with form numbering adopted by other civil restraining order forms (the information sheet is the same number as the underlying filed form with “INFO” added to the title).
- The form would increase from two pages to three.

Form DV-125, *Request to Continue Hearing or Reissue Temporary Restraining Order*

- The form would be separated into two forms to match the style adopted by the other civil restraining order forms and to comply with CCMS guidelines requesting that a form have only one purpose (either submitted by a party to a court or developed by the court).
- Text would be added to the title and items to clarify that the form may be used to either continue or reissue a matter.
- An attorney signature line would be added to conform to the style adopted by the other civil restraining orders.
- The form would be completed only by the person to be protected, even if the purpose for continuance is to allow the respondent time to secure an attorney.
- An information page would be added as page two based on a request from a commentator during the Spring 2009 RUPRO cycle (current form DV-126-INFO, *How to Reissue a Temporary Restraining Order* would be revoked).
- The form would become 2 pages instead of the current 1 page.

Form DV-126, *Order for New Hearing Date on Request for Continuance or Reissuance*

- This new form would be a companion to Form DV-125.
- The style would conform to that adopted for other civil restraining orders.
- The judicial officer must check either the granted or denied box.
- Service information for parties would be added.

Form DV-130, *Restraining Order After Hearing*

- The warnings on the first page would be revised to alert the parties to the survival of child custody orders after the termination of the underlying restraining order under Family Code section 6340 (amended January 1, 2011).¹
- The certificate of compliance with the Violence Against Women Act would be moved off the first page to provide the space needed for the other items. A sentence would be added to alert law enforcement that the order is entitled to enforcement throughout the United States.
- Item numbers would be rearranged to match the internal numbering system set forth on Forms DV-100, DV-110 and DV-120. Several items would be reorganized to allow for the revised numbering system.
- Items relating to attorney fees, payments for costs and services, and other orders would be added, and the form where those items currently reside would be revoked (Form DV-

¹ The proposed warnings are also included on Form FL-342 (*Child Support Information and Order Attachment*) and form FL-343 (*Spousal, Partner, or Family Support Order Attachment*) which are presented in a separate invitation to comment from the Family and Juvenile Law Advisory Committee.

170 *Other Orders*). This revision would provide consistency with the proposed numbering system.

- The item for additional protected persons would be moved to the proposed location at item 3 and would include the detailed data such as sex, age, and relationship to protected person that is found on Form DV-110, *Temporary Restraining Order*.
- Item 5 would be added to conform to the style adopted by the other civil restraining orders. It would identify who attended the hearing. The item notifying the parties to return to court would be moved from page one of the current form to this item on page two.
- Items 6 and 7 would be revised to conform to the revised exceptions for peaceful contact proposed on Form DV-110.
- Item 13 would be revised to eliminate the reference to revoked Form DV-160, *Child Support Information and Order Attachment*.
- Item 16 would be revised to conform to the proposed revision on Form DV-110 to allow the judicial officer to specify whether the restraint applies to one or both parties.
- The form would increase from five pages to six.

DV-140, *Child Custody and Visitation Order*

- Item 11 would be revised to add the word “reasonable” to the type of notice provided.
- Item 14 would be added to alert the party with custody of a minor child to the statutory restriction on moving the child outside of California.
- Item 15 would be added to alert the parties to the survival of child custody orders after the termination of the underlying restraining order under Family Code section 6340

DV-145, *Order: No Travel With Children*

Item 5 would be revised to include a location from which the parties are ordered not to remove the child.

DV-150, *Supervised Visitation and Exchange Order*

- Item 4 would be revised to provide specificity regarding exchanges as indicated on Form DV-140.
- Item 7 would be revised to include more specificity for hours per week for visitation.
- Item 10 would be added to require the parties to follow the rules and procedures of the supervisor.

DV-170, *Other Orders*

This form would be revoked. All of the content would be added to Form DV-130, *Restraining Order After Hearing*.

DV-200, *Proof of Personal Service*

- Name of form would be revised.
- Item 3 would be revised to be more specific as to who is not able to perform service.
- Item 4 would be revised to include the new and revised form names and numbers.

DV-200-INFO, *What is “Proof of Personal Service”?*

- The name and number of the form would be revised to conform to the style adopted by the other civil restraining order forms.
- Text would be revised to change the number of forms to be provided by the clerk from five to three as required under Family Code section 6387, amended effective January 1, 2012 (AB 1596, Ch. 572, 2010).

DV-250, *Proof of Service by Mail*

- Titles in items one and two would be revised to change “Protected Person” to “Name of Person Asking For Protection” and “Restrained Person” to “Name of Person to Be Restrained” to more accurately reflect the status of the parties and to match the style adopted by the other civil restraining order forms.
- Item 3 would be revised to list the persons who are prohibited from effectuating service to match the style adopted by the other civil restraining order forms.
- Item 4 would be revised to include in the server’s declaration his or her age and residency to match the style adopted by the other civil restraining order forms.
- Item 5 would be reorganized to improve the flow to match the style adopted by the other civil restraining order forms.
- Item 6 would be revised to include server’s city, state, and zip code to match the style adopted by the other civil restraining order forms.

DV-500-INFO, *Can a Domestic Violence Restraining Order Help Me?*

- Text would be revised to clarify the definition of abuse by including specific language from the statute.
- Text would be reorganized to match that adopted by the other civil restraining order forms.

DV-505-INFO, *How do I ask for a Temporary Restraining Order?*

This form would be revised to combine incorporate existing Form DV-510 (*I Filled Out the Forms—What Now?*) so that the checklist of forms needed to request a temporary restraining order would appear along with the steps needed to submit the request to the court, information on the temporary order and what to do if the temporary order is not timely served.

DV-520-INFO, *Get Ready for the Court Hearing*

This form would be revised to be applicable to both the petitioner and respondent. It would incorporate information from Form DV-550-INFO *Get Ready for Your Hearing (For Restrained Person)*.

DV-530-INFO, *How to Enforce Your Restraining Order*

This form would be revised to include ammunition as a prohibited item. Additional revisions would improve clarity.

DV-600, *Register Out-of-State or Tribal Court Protective/Restraining Order*

- The form would be revised to include the information for the court clerk about how to seal the order as provided in Family Code section 6404.
- The title of the form would be revised to include reference to tribal court orders.

DV-700, *Request to Renew Restraining Order*

- Titles of parties would be revised to match the style used in the other civil restraining order forms.
- Item 3 would be revised to eliminate the requirement to include the date the original order was issued and to add options for the petitioner to request a specific renewal period.
- Item 4 would be revised to more closely match the holding of *Ritchie v. Konrad* (2004) 115 Cal.App.4th 1275, which requires the trial court to grant a requested extension unless the request is contested and the judge determines the protected party does *not* entertain a “reasonable apprehension” of future abusive conduct. Family Code section 6345 states that it is unnecessary to find any abuse has occurred since issuance of the initial protective order.

DV-700-INFO, *How Do I Ask the Court to Renew My Restraining Order?*

- This form would be revised and items reorganized to match the style adopted by the other civil restraining orders.
- The timing for seeking renewal would be revised to comply with amended Family Code section 6345 which, effective January 1, 2012, will require a request to renew a restraining order to be brought within the three months preceding the expiration of the order.

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

- The notices to the restrained person would be revised to match the style adopted by the other civil restraining order forms.
- The service of process section would be expanded to list the specific forms being served.
- The form would increase one page to two pages.

DV-720, *Response to Request to Renew Restraining Order*

- This new form would match the form proposed for the other civil restraining order forms.
- The form would provide specific prompts for the restrained person to indicate his or her response to the request to renew the order.

DV-730, *Order to Renew Restraining Order to Stop Domestic Violence*

- This new form would match the form proposed for the other civil restraining order forms.
- The form would provide the court with a way to renew the underlying restraining order after hearing on Form DV-130 without needing to complete a new Form DV-130.
- The form would clearly indicate if the court grants or denies the request to renew the order.

Item SPR11-55 Response Form

Title: **Family Law - Domestic Violence: adopt rule of court regarding modification of child custody and visitation orders and revise, approve, adopt, and revoke forms used in Domestic Violence Prevention Act cases** (adopt Cal. Rules of Court, Rule 5.381; revise forms DV-100, DV-101, DV-105, DV-109, DV-110, DV-112, DV-120, DV-125, DV-130, DV-140, DV-145, DV-150, DV-200, DV-250, DV-500-INFO, DV-505-INFO, DV-520-INFO, DV-530-INFO, DV-600, DV-700, DV-700-INFO, DV-710; adopt forms DV-126, DV-300, DV-720, DV-730; revise and renumber forms DV-102, DV-120-INFO, DV-200-INFO; and revoke forms DV-126-INFO, DV-170, DV-510-INFO, DV-540-INFO, DV-550-INFO, and DV-560)

- Agree** with proposed changes
- Agree** with proposed changes **if modified**
- Do not agree** with proposed changes

Comments: _____

Name: _____ Title: _____

Organization: _____

- Commenting on behalf of an organization**

Address: _____

City, State, Zip: _____

To Submit Comments

Comments may be submitted online, written on this form, or prepared in a letter format. If you are *not* commenting directly on this form, please include the information requested above and the proposal number for identification purposes. Please submit your comments online or email, mail, or fax comments. You are welcome to email your comments as an attachment.

Internet: www.courts.ca.gov/policyadmin-invitationstocomment.htm

Email: invitations@jud.ca.gov

Mail: Ms. Camilla Kieliger
Judicial Council, 455 Golden Gate Avenue
San Francisco, CA 94102

Fax: (415) 865-7664, Attn: Camilla Kieliger

DEADLINE FOR COMMENT: 5:00 p.m., Thursday, June 30, 2011

Circulation for comment does not imply endorsement by the Judicial Council or the Rules and Projects Committee. All comments will become part of the public record of the council's action.