
INVITATION TO COMMENT

SPR22-20

Title	Action Requested
Domestic Violence: Rule and Form Changes to Implement New Laws	Review and submit comments by May 13, 2022
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Repeal rule 5.495; adopt forms DV-105(A), DV-125, DV-820, DV-830, DV-840/FL-840; revise forms DV-100, DV-105, DV-109, DV-110, DV-116, DV-120, DV-120-INFO, DV-130, DV-140, DV-500-INFO, DV-505-INFO, DV-520-INFO, DV-530-INFO, EPO-001; revise form DV-800/JV-252 and renumber as form DV-800/JV-270; revise form DV-800/JV-252-INFO and renumber as form DV-800/JV-270-INFO; revoke forms DV-108, DV-145, DV-150	January 1, 2023
Proposed by	Contact
Family and Juvenile Law Advisory Committee Hon. Stephanie E. Hulsey, Cochair Hon. Amy M. Pellman, Cochair	Frances Ho 415-865-7662 frances.ho@jud.ca.gov

Executive Summary and Origin

The Family and Juvenile Law Advisory Committee proposes the adoption of five new Judicial Council forms and the revision of 16 forms to implement new laws enacted by Senate Bill 320 (Rubio; Stats. 2021, ch. 685), Senate Bill 24 (Caballero; Stats. 2021, ch. 129), Assembly Bill 1057 (Petrie-Norris; Stats. 2021, ch. 682), Senate Bill 538 (Rubio; Stats. 2021, ch. 686), Senate Bill 374 (Min; Stats. 2021, ch. 135), and Assembly Bill 277 (Valladares; Stats. 2021, ch. 457). The committee also recommends revoking three forms, as these forms would be combined with other existing forms, and repealing rule 5.495 of the California Rules of Court, which has been codified by SB 320.

The Proposal

This proposal is necessary to implement new changes in the law. As most litigants in domestic violence restraining order proceedings represent themselves, it is particularly important for the council to act quickly to ensure that litigants have access to the new remedies provided by the Legislature. The proposal also combines a number of existing forms, which the committee believes will make the remedies on those forms more accessible to litigants. The proposed rule and forms changes are listed below.

- Repeal rule 5.495 of the California Rules of Court.
- Adopt five Judicial Council forms:
 - *City and State Where Children Lived* (DV-105(A));
 - *Response to Request for Orders for Minor Children* (form DV-125);
 - *Prohibited Items Finding and Orders* (form DV-820);
 - *Notice of Noncompliance With Firearms and Ammunition Order, or Warrant* (form DV-830); and
 - *Notice of Compliance Hearing for Firearms and Ammunition* (form DV-840/FL-840).
- Revise 16 Judicial Council forms¹:
 - *Request for Domestic Violence Restraining Order* (form DV-100);
 - *Request for Child Custody and Visitation Orders* (form DV-105), retitled as *Request for Orders for Minor Children*;
 - *Notice of Court Hearing* (form DV-109);
 - *Temporary Restraining Order (Domestic Violence Prevention)* (form DV-110);
 - *Order on Request to Continue Hearing (Temporary Restraining Order)* (form DV-116);
 - *Response to Request for Domestic Violence Restraining Order* (form DV-120);
 - *How Can I Respond to a Request for Domestic Violence Restraining Order?* (form DV-120-INFO);
 - *Restraining Order After Hearing (Order of Protection)* (form DV-130);
 - *Child Custody and Visitation Order* (form DV-140), retitled as *Orders for Minor Children*;
 - *Can a Domestic Violence Restraining Order Help Me?* (form DV-500-INFO);
 - *How Do I Ask for a Temporary Restraining Order?* (form DV-505-INFO), retitled as *How to Ask for a Domestic Violence Restraining Order*;
 - *Get Ready for the Restraining Order Court Hearing* (form DV-520-INFO), retitled as *Get Ready for Your Restraining Order Court Hearing*;
 - *How to Enforce Your Restraining Order* (form DV-530-INFO);
 - *Proof of Firearms Turned In, Sold, or Stored* (form DV-800/JV-252), retitled and renumbered as *Proof of Surrender of Firearms, Firearm Parts, and Ammunition* (form DV-800/JV-270);

¹ Seven forms included in this proposal do not contain highlighting to reflect the changes made because the revisions were substantial. Those forms are DV-105, DV-140, DV-505-INFO, DV-520-INFO, DV-530-INFO, DV-800, and DV-800-INFO.

- *How Do I Turn In, Sell, or Store My Firearms?* (form DV-800-INFO/JV-252-INFO), retitled and renumbered as *How Do I Turn In, Sell, or Store Firearms, Firearm Parts, and Ammunition?* (form DV-800-INFO/JV-270-INFO); and
- *Emergency Protective Order* (form EPO-001).
- Revoke three Judicial Council forms:
 - *Request for Order: No Travel With Children* (form DV-108);
 - *Order: No Travel With Children* (form DV-145); and
 - *Supervised Visitation and Exchange Order* (form DV-150).

Senate Bill 320

Senate Bill 320 codifies rule 5.495, Firearm relinquishment procedures, and implements additional requirements for courts to comply with when the court receives information that a restrained person has or may have firearms or ammunition in their possession or control. At any stage in a domestic violence restraining order proceeding, if information regarding firearms or ammunition is presented, the court must:

1. Determine if the restrained person has firearms or ammunition;²
2. Determine if the restrained person is in violation of the relinquishment order;³
3. Notify law enforcement immediately of any violation and the contents of the restraining order;⁴ and
4. Notify a prosecuting agency of the violation and contents of the restraining order. This must happen two days after the finding of noncompliance, unless the restrained person shows they have fully complied.⁵

Courts also have the option of setting a hearing to review the restrained person's compliance with the court's orders.⁶

To implement SB 320, the committee proposes adopting three new forms: forms DV-820, DV-830, and DV-840. Form DV-820, *Prohibited Items Finding and Orders*, serves as an attachment to any order form in a domestic violence restraining order action. A general attachment is necessary because these findings and orders can be made at any stage of a domestic violence proceeding. Form DV-830, *Noncompliance With Firearms and Ammunition Order, or Warrant*, is a notice form that would be completed by the court to alert law enforcement or the prosecuting agency of the court's orders regarding noncompliance, and serve as a coversheet for the restraining order that has been violated. It could also be used to alert law enforcement of an existing warrant or warrants, as required by Family Code section 6303(e). This form would be confidential, as it could contain information from the California Law Enforcement

² Fam. Code, § 6322.5(a).

³ Fam. Code, § 6322.5(b)(3).

⁴ Fam. Code, § 6306(f).

⁵ Fam. Code, § 6389(c)(4).

⁶ Fam. Code, § 6322.5(c).

Telecommunications System (CLETS) such as criminal history information, or sensitive information like a social security number.⁷

Form DV-840, *Notice of Compliance Hearing for Firearms and Ammunition*, would be used when the issue of non-compliance arises after a long-term restraining order has been issued, and the court elects to set the matter for a review hearing. For example, if child custody is before the court and the protected person alleges that the restrained person possesses firearms, the court would need to issue a notice of court hearing if the restrained person was not present when the review hearing is set.

In addition to adopting the three new forms described above, the committee proposes to incorporate some or all of the items in form DV-820 into *Temporary Restraining Order* (form DV-110), and *Restraining Order After Hearing* (form DV-130). At the temporary order stage, the court may have sufficient information to make a finding regarding firearms or ammunition (item 6 on form DV-110) and may elect to set a review hearing (item 7 on form DV-110). At the hearing on whether a long-term restraining order should issue, the court would likely have more information, including whether the restrained person has complied with a temporary order, if one was granted. Because more information will be available to the court at the time of granting the restraining order after hearing, the committee proposes incorporating all the findings and orders listed on form DV-820 into form DV-130. The committee found it preferable to have all the firearms-related orders in one place on form DV-130 rather than using the attachment (form DV-820).

The committee further proposes repealing rule 5.495 of the California Rules of Court as that has now been codified by SB 320, and rules of court do not generally restate statutes.

Assembly Bill 1057 (relating to “ghost guns”)

Effective July 1, 2022, a “firearm” under the Domestic Violence Prevention Act will include firearm parts, specifically receivers, frames, and “firearm precursor parts” that are unfinished receivers and unfinished frames.⁸ The change is intended to include “ghost guns” (unserialized and untraceable firearms that can be bought online and assembled at home) in the items that restrained people cannot possess and must surrender. This means that a restrained person may not have these parts, for the duration of the order. This new definition of firearm will also apply to gun violence and juvenile restraining orders. Because this bill impacts three protective order forms series, this committee worked with the Civil and Small Claims Advisory Committee to harmonize the changes to the extent possible.⁹ Both committees recommend referring to receivers, frames, and unfinished receivers/frames as “firearm parts” rather than “firearms” or

⁷ Fam. Code, § 6306(f).

⁸ Pen. Code, § 16531.

⁹ The juvenile protective order proposal would implement AB 1057 and also convert the forms to a plain-language format consistent with the other civil protective order forms. The juvenile protective order proposal and the Civil and Small Claims Advisory Committee’s proposal can be found at www.courts.ca.gov/policyadmin-invitationstocomment.htm.

“firearm precursor parts.” The committees also propose using the nomenclature “ghost guns” on the information forms.

Proof of Firearms Turned In, Sold, or Stored (form DV-800/JV-252) would be revised to include the new provisions about firearm parts from AB 1057. It would also be renamed *Proof of Surrender of Firearms, Firearm Parts, and Ammunition* and renumbered as form DV-800/JV-270. Similar revisions would be made to the current *How Do I Turn In, Sell, or Store My Firearms?* (form DV-800-INFO/JV-252-INFO). It would be renamed *How Do I Turn In, Sell, or Store Firearms, Firearm Parts, and Ammunition?* and renumbered as form DV-800-INFO/JV-270-INFO.

For the revised forms DV-800/JV-270 and GV-800, the committees propose reorganizing the form to improve usability. Specifically, the form has been reorganized so that all the information fields the restrained person must complete are listed consecutively on pages 1 and 2. At the top of the form, all users (restrained person, licensed gun dealer, and law enforcement) can clearly see a list of the pages they are responsible for completing. The committees are also interested in collecting additional information, such as whether a specific firearm was stored or sold to a licensed gun dealer (see page 3 of form DV-800/JV-270). The committee is seeking specific comment on whether it would be helpful or relevant for courts to know whether a firearm or other prohibited item was stored, or seized by law enforcement (see page 4 of form DV-800/JV-270).

The *Emergency Protective Order* (EPO-001) would also be revised to reflect the new requirements for relinquishing firearm parts and ammunition; and include “coercive control” as prohibited behavior. Forms DV-100, DV-109, DV-110, DV-120, DV-130, DV-120-INFO, DV-500-INFO, DV-505-INFO, DV-520-INFO and DV-530-INFO have all been updated to reflect the new language regarding firearms.

Senate Bill 24 (Calley’s Law)

Effective January 1, 2023, SB 24 would allow the court, when granting a domestic violence restraining order, to restrict a parent’s access to certain information regarding their child, including health and school records. It would also require certain providers to have protocols in place to properly safeguard the child’s information when these orders are issued. To implement SB 24, the committee proposes adding an item on the request and a parallel item on the order (item 9 on form DV-105 and item 11 on form DV-140). As described below, the committee proposes combining forms DV-105 and DV-108, so that the orders related to minor children are all on one form. The order form would also parallel the request by combining current forms DV-140, DV-145, and DV-150 into revised form DV-140 and retitling it *Orders for Minor Children*.

Senate Bill 538

Effective January 1, 2022, parties and witnesses in a domestic violence or gun violence restraining order proceeding may appear remotely on a petition for a restraining order. This committee and the Civil and Small Claims Advisory Committee recommend a number of

changes to the forms to include information regarding the option of appearing remotely and to use language that would capture remote appearances. For example, many of the forms are proposed to read “attend your hearing” as opposed to “go to” your court hearing. On the notice of court hearing (forms DV-109 and DV-116), parties will be advised of the option of appearing remotely and referred to the court’s website for more information. Under SB 538, courts will have to provide the option of e-filing in domestic violence and gun violence restraining order cases by July 1, 2023.¹⁰ Because some courts already provide the ability to e-file for these case types, the information forms direct people to their local courts to see if e-filing is available.

Senate Bill 374

Effective January 1, 2022, the definition of coercive control was expanded to include “reproductive coercion.”¹¹ To implement SB 374, the committee recommends adding the following language for the order forms:

- "Coercive control" means a number of acts that unreasonably limit the free will and individual rights of any person protected by this restraining order. Examples include isolating them from friends, relatives, or other support; keeping them from food or basic needs; controlling or keeping track of them, including their movements, contacts, actions, money, or access to services; making them do something by force, threat, or intimidation, including threats based on actual or suspected immigration status; and reproductive coercion, meaning controlling someone's reproductive choices, such as using force, threat, or intimidation to pressure someone to be or not be pregnant, and to control or interfere with someone's contraception, birth control, pregnancy, or access to related health information.

The above language is contained at item 9 of form DV-110 and item 12 of form DV-130.

The examples of reproductive coercion are also listed at item 10 on form DV-100 and on form DV-500-INFO. An example was also included at item 5 on form DV-100, and the committee is requesting specific comment on whether other examples of reproductive coercion should be listed instead of the one shown below:

Describe Abuse	
In this section, explain how the person in (2) has been abusive. The judge will use this information to decide your request. Here are some examples of what "abuse" means under the law (<i>not a complete list</i>):	
<ul style="list-style-type: none">• harassed you• made repeated unwanted contact with you• tracked, controlled, or blocked your movements• kept you from getting food or basic needs• isolated you from friends, family, or other support• made threats based on actual or suspected immigration status• made you do something by force, threat, or intimidation• stopped you from accessing or earning money• tried to control your contraception, birth control, pregnancy, or access to related health information	<ul style="list-style-type: none">• hit, kicked, pushed, or bit you• injured you or tried to• threatened to hurt or kill you• sexually abused you• abused a pet or animal• destroyed your property• choked or strangled you• abused your children

¹⁰ Assembly Bill 887 (Levine; Stats. 2021, ch. 681) would also require courts to provide e-filing as an option, but is inoperative until funds are appropriated.

¹¹ Fam. Code, § 6320(c)(5).

Assembly Bill 277

On or before January 1, 2023, form DV-500-INFO must include information about the Safe at Home program maintained by the California Department of Justice. This information has been included on the form at page 2, under “Confidential Address Program.” The form is currently available in four other languages: Spanish, Chinese (simplified), Korean, and Vietnamese. The revised form would be translated into these languages and made available by January 1, 2023.

Other changes to improve usability

Combining form DV-108 with form DV-105

The committee proposes combining the current child custody form with the form on child abduction. Without help, self-represented litigants may be less likely to use attachments. Combining these attachments into a single attachment may make it more likely that litigants will have access to these remedies. Additionally, because a statewide forms packet does not exist, some counties may not provide attachment DV-108 in the paper packet that they make available in courthouses.

In addition to combining these forms, the committee proposes a new layout for the child custody and visitation sections, including providing an explanation for what custody means under the law, and referring to parties in gender-neutral terms. The committee would like comment on whether the new layout for these two sections would be easier for self-represented litigants to understand and complete. The committee also proposes eliminating the questions that ask what child custody and visitation orders a petitioner would want after the hearing. Because a lot can change between the issuance of the temporary order and the time of the hearing, including parties reaching an agreement in mediation or the court making a finding of abuse that would trigger the application of Family Code section 3044, the committee believes that the request does not need to include the questions related to orders after the court hearing.

New forms DV-125 and DV-105(A)

Two new forms are also proposed for the request and orders related to minor children. The first is form DV-125, *Response to Request for Orders for Minor Children*, an optional form to respond to requests regarding minor children in common. Currently, form DV-105 can be used by either party to propose child custody and visitation orders. The committee believes that having a separate response form is more user-friendly, as not all the information on form DV-105 need be completed by the respondent, such as the children’s residence history, if undisputed, and the questions relating to child abduction (form DV-108). The second is form DV-105(A), *City and State Where Children Lived*, which is similar to FL-105(A), *Attachment to Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)*. This form would act as an attachment to form DV-105 to provide residence history for children who have not lived together the last five years, or used as an attachment to new response form DV-125 if respondent disputes the residence information provided by the petitioner.

Combining forms DV-145 and DV-150 with form DV-140

Form DV-140, *Orders for Minor Children*, would contain all the orders currently listed on forms DV-145 and DV-150, and include additional details regarding supervised visitation and exchanges (e.g., name of provider, non-professional provider’s relationship to child, and location of exchanges for exchanges supervised by a non-professional provider). The committee believes that providing additional information for these orders is consistent with the requirement under Family Code section 6323(c) that visitation orders ensure the safety of all families and include details such as the “time, day, place, and manner of transfer.” The committee also proposes to change the child abduction orders so that they can be issued against the respondent only (items 15–23 on form DV-140). The committee believes that this change is consistent with the requirements under Family Code section 3048, which requires the court to make specific findings to support these orders. The committee believes that the respondent should affirmatively make this request, with proper notice to the other side, and not in response to a domestic violence restraining order.

Changes to INFO forms

Significant revisions were made to three information forms: DV-505-INFO, DV-520-INFO, and DV-530-INFO. Form DV-505-INFO would be revised to focus on information related to completing and filing required forms and to answer some common questions that self-represented litigants might have. Detailed information regarding service was removed since form DV-200-INFO, *What Is “Proof of Personal Service”?*, contains detailed information regarding service. Form DV-520-INFO would be revised so that the information provided more closely aligns with the information provided on the new self-help website.¹² Form DV-530-INFO would be reformatted into two-column, and updated to reflect changes in the law (e.g. ghost guns and orders to protect children’s records).

Changes to reflect existing laws

The committee proposes to add step-siblings, step-grandparents, and step-grandchildren to the list of relatives in item 3 on form DV-100. These relationships were unintentionally omitted when the form was last revised and should be included as relationships consistent with Family Code section 6211(f).

The committee also proposes to revise the “Conflicting Orders—Priorities for Enforcement” found on the last page of forms DV-110 and DV-130. The Criminal Law Advisory Committee identified that the existing language does not accurately reflect the requirements under Penal Code section 136.2(e)(2), which prioritizes enforcement of criminal protective orders in pending cases for domestic violence offenses, specified sex offenses, and offenses requiring sex offender registration over a civil protective order against the same defendant. The specified sex offenses and offenses requiring sex offender registration were added as priorities in Assembly Bill 1498 (Stats. 2014, ch. 665). Further, Assembly Bill 1171 (Stats. 2021, ch. 626) repealed section 262 on spousal rape and amended 136.2(e)(2) to include “former 262.” Currently, all protective

¹² <https://selfhelp.courts.ca.gov/DV-restraining-order/prepare-court-date>.

orders include the same language regarding priority for enforcement. This new language would be used on all the order forms, as they become due for revisions.

Alternatives Considered

To implement SB 320, the committee considered incorporating all the findings and orders contained in proposed new form DV-820 into forms DV-110 and DV-116. The committee decided against this approach because it would be unlikely for the court to have information regarding noncompliance at the temporary restraining order stage. The committee also decided not to incorporate the findings and orders into form DV-116. As described above, the committee found it preferable to have all the firearms-related orders in one place on form DV-130. Since form DV-116 does not include the firearms relinquishment order, on balance, the committee did not believe that there was a substantial benefit to incorporating the contents of form DV-820, which would add an additional page to the form but not apply in many cases.

To implement AB 1057, the committee considered using some of the statutory language, including “firearm precursor parts.” The committee decided against this approach as it is not a term that is commonly understood. Instead, the committee proposes using “firearm parts” to include any receiver, frame, and unfinished receiver and frame as defined under Penal Code section 16531. The committee also considered maintaining the existing format for form DV-800/JV-270 but found the new layout more user-friendly to everyone who would complete the form (i.e., restrained person, licensed gun dealer, and law enforcement). The committee found it desirable to reformat the form so that all items that need to be completed by each user are listed together (e.g., all items for the restrained person to complete are listed on pages 1 and 2).

Fiscal and Operational Impacts

The committee anticipates that this proposal would require courts to train court staff and judicial officers on the newly adopted and revised forms. Courts will also incur costs to incorporate the new and revised forms into the paper or electronic processes.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Would it be helpful or relevant for courts to know whether a specific firearm or other prohibited item was stored or seized by law enforcement (see page 4 of form DV-800/JV-270)?
- Is the new layout for the child custody section (form DV-105, item 6) easier for self-represented litigants to understand and complete?
- Is the new layout for the visitation section (form DV-105, items 7 and 8) easier for self-represented litigants to understand and complete?
- Are there other examples of reproductive coercion that should be listed in item 5 of form DV-100, instead of the proposed example?
- Should language to implement Senate Bill 654 be included on the domestic violence restraining order forms? The proposal can be found at www.courts.ca.gov/policyadmin-invitationstocomment.htm.

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Cal. Rules of Court, rule 5.495, at pages 12–15
2. Forms DV-100, DV-105, DV-105(A), DV-108, DV-109, DV-110, DV-116, DV-120, DV-120-INFO, DV-125, DV-130, DV-140, DV-145, DV-150, DV-500-INFO, DV-505-INFO, DV-520-INFO, DV-530-INFO, DV-800, DV-800-INFO, DV-820, DV-830, DV-840/FL-840, EPO-001, at pages 16–99
3. Link A: Senate Bill 320,
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB320
4. Link B: Senate Bill 24,
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB24

5. Link C: Assembly Bill 1057,
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1057
6. Link D: Senate Bill 538,
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB538
7. Link E: Senate Bill 374,
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB374
8. Link F: Assembly Bill 277,
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB277

1 Chapter 4. Protective Orders [Repealed]

2
3 Rule 5.495. Firearm relinquishment procedures [Repealed]

4
5 **(a) — Application of rule**

6
7 This rule applies when a family or juvenile law domestic violence protective order
8 as defined in Family Code section 6218 or Welfare and Institutions Code section
9 213.5 is issued or in effect.

10
11 **(b) — Purpose**

12
13 This rule addresses situations in which information is presented to the court about
14 firearms and provides the court with options for appropriately addressing the issue.
15 This rule is intended to:

16
17 (1) — Assist courts issuing domestic violence protective orders in determining
18 whether a restrained person has a firearm in or subject to his or her
19 immediate possession or control.

20
21 (2) — Assist courts that have issued domestic violence protective orders in
22 determining whether a restrained person has complied with the court's order
23 to relinquish, store, or sell the firearm under Family Code section 6389(c).

24
25 **(c) — Firearm determination**

26
27 When relevant information is presented to the court at any noticed hearing that a
28 restrained person has a firearm, the court must consider that information to
29 determine, by a preponderance of the evidence, whether the person subject to a
30 protective order as defined in Family Code section 6218 or Welfare and Institutions
31 Code section 213.5 has a firearm in or subject to his or her immediate possession or
32 control in violation of Family Code section 6389.

33
34 **(d) — Determination procedures**

35
36 (1) — In making a determination under this rule, the court may consider whether the
37 restrained person filed a firearm relinquishment, storage, or sales receipt or if
38 an exemption from the firearm prohibition was granted under Family Code
39 section 6389(h).

40
41 (2) — The court may make the determination at any noticed hearing when a
42 domestic violence protective order is issued, at a subsequent review hearing,

1 or at any subsequent family or juvenile law hearing while the order remains
2 in effect.

3
4 (3) — If the court makes a determination that the restrained person has a firearm in
5 violation of Family Code section 6389, the court must make a written record
6 of the determination and provide a copy to any party who is present at the
7 hearing and, upon request, to any party not present at the hearing.

8
9 **(e) — Subsequent review hearing**

10
11 (1) — When presented with information under (c), the court may set a review
12 hearing to determine whether a violation of Family Code section 6389 has
13 taken place.

14
15 (2) — The review hearing must be held within 10 court days after the noticed
16 hearing at which the information was presented. If the restrained person is not
17 present when the court sets the review hearing, the protected person must
18 provide notice of the review hearing to the restrained person at least 2 court
19 days before the review hearing, in accordance with Code of Civil Procedure
20 414.10, by personal service or by mail to the restrained person's last known
21 address.

22
23 (3) — The court may for good cause extend the date of the review hearing for a
24 reasonable period or remove it from the calendar.

25
26 (4) — The court must order the restrained person to appear at the review hearing.

27
28 (5) — The court may conduct the review hearing in the absence of the protected
29 person.

30
31 (6) — Nothing in this rule prohibits the court from permitting a party to appear by
32 telephone under California Rules of Court, rule 5.9.

33
34 **(f) — Child custody and visitation**

35
36 (1) — If the court determines that the restrained person has a firearm in violation of
37 Family Code section 6389, the court must consider that determination when
38 deciding whether the restrained person has overcome the presumption in
39 Family Code section 3044.

40
41 (2) — An order for custody or visitation issued at any time during a family law
42 matter must be made in a manner that ensures the health, safety, and welfare
43 of the child and the safety of all family members, as specified in Family Code

1 section 3020. The court must consider whether the best interest of the child,
2 based on the circumstances of the case, requires that any visitation or custody
3 arrangement be limited to situations in which a third person, specified by the
4 court, is present, or that visitation or custody be suspended or denied, as
5 specified in Family Code section 6323(d).

6
7 (3) — An order for visitation issued at any time during a juvenile court matter must
8 not jeopardize the safety of the child, as specified in Welfare and Institutions
9 Code section 362.1.

10
11 **(g) — Other orders**

12
13 (1) — The court may consider a determination that the restrained person has a
14 firearm in violation of Family Code section 6389 in issuing:

15
16 (A) — An order to show cause for contempt under section 1209(a)(5) of the
17 Code of Civil Procedure for failure to comply with the court’s order to
18 surrender or sell a firearm; or

19
20 (B) — An order for money sanctions under section 177.5 of the Code of Civil
21 Procedure.

22
23 (2) — This rule should not be construed to limit the court’s power to issue orders it
24 is otherwise authorized or required to issue.

25
26 **Advisory Committee Comment**

27
28 When issuing a family or juvenile law domestic violence protective order as defined in Family
29 Code section 6218 or Welfare and Institutions Code section 213.5, ex parte or after a noticed
30 hearing, the court is required to order a restrained person “to relinquish any firearm in [that
31 person’s] immediate possession or control or subject to [that person’s] immediate possession or
32 control.” (Fam. Code, § 6389(c)(1).) Several mandatory Judicial Council forms — *Temporary*
33 *Restraining Order* (form DV 110), *Restraining Order After Hearing* (form DV 130), and *Notice*
34 *of Hearing and Temporary Restraining Order — Juvenile* (form JV 250) — include mandatory
35 orders in bold type that the restrained person must sell to or store with a licensed gun dealer or
36 turn in to a law enforcement agency any guns or other firearms within his or her immediate
37 possession or control within 24 hours after service of the order and must file a receipt with the
38 court showing compliance with the order within 48 hours of receiving the order. California law
39 requires personal service of the request for and any temporary protective order at least five days
40 before the hearing, unless the court issues an order shortening time for service. Therefore, by the
41 date of the hearing, the restrained person should have relinquished, stored, or sold his or her
42 firearms and submitted a receipt to the court.

1 Courts are encouraged to develop local procedures to calendar firearm relinquishment review
2 hearings for restrained persons.

3
4 ~~Section (f) of this rule restates existing law on the safety and welfare of children and family~~
5 ~~members and recognizes the safety issues associated with the presence of prohibited firearms.~~

6
7 Although this rule does not require the court to compel a restrained person to testify, the court
8 may wish to advise a party of his or her privilege against self incrimination under the Fifth
9 Amendment to the United States Constitution. The court may also consider whether to grant use
10 immunity under Family Code section 6389(d).

Clerk stamps date here when form is filed.

**DRAFT-3.16.22
Not approved by
the Judicial Council**

Instructions: To ask for a domestic violence restraining order, you will need to complete this form and other forms. After you complete this form, see next steps on page 12.

1 Person Asking for Protectiona. **Your name:** _____b. **Your age:** _____c. **! Address where you can receive court papers**

(This address will be used by the court and by the person in **2** to send you official court dates, orders, and papers. For privacy, you may use another address like a post office box or another person's address, if you have their permission and can get your mail regularly. If you have a lawyer, give their information.)

Address: _____

City: _____ State: _____ Zip: _____

d. **! Your contact information (optional)**

(The court could use this information to contact you. If you don't want the person in **2** to have this information, leave it blank or provide a safe phone number or email address. If you have a lawyer, give their information.)

Telephone: _____ Fax: _____

Email Address: _____

e. **Your lawyer's information (if you have one)**

Name: _____ State Bar No.: _____

Firm Name: _____

2 Person You Want Protection Froma. **Full Name:** _____b. **Age (give estimate if you do not know exact age):** _____c. **Date of Birth (if known):** _____d. **Gender:** M F Nonbinarye. **Race:** _____

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:**This is not a Court Order.**

3 Your Relationship to the Person in 2

(If you do not have one of these relationships with the person in 2, you are not eligible for this type of restraining order. You may be eligible for another type of restraining order. Learn more at www.courts.ca.gov/selfhelp-abuse.htm.)

Check all that apply

- a. We have a child or children together
(names of children): _____
- b. We are married or registered domestic partners.
- c. We used to be married or registered domestic partners.
- d. We are dating or used to date.
- e. We are or used to be engaged to be married.
- f. We are related. The person in 2 is my (check all that apply):
 - Parent, stepparent, or parent-in-law
 - Brother, sister, sibling, sibling-in-law, or step-sibling
 - Child, stepchild, or legally adopted child
 - Grandparent, grandparent-in-law, or step-grandparent
 - Child's spouse
 - Grandchild, grandchild-in-law, or step-grandchild
- g. We live together or used to live together. (If checked, answer question below):
Have you lived together with the person in 2 as a family or household (more than just roommates)?
 Yes No (If no, you do not qualify for this kind of restraining order unless you checked one of the other relationships listed above.)

4 Other Restraining Orders and Court Cases

- a. Are there any restraining orders currently in place or that have expired in the last six months (examples: Did the police give you a restraining order that lasts a few days? Do you have one from the criminal court?)
 No
 Yes (If yes, give information below and attach a copy if you have one.)
(1) (date of order): _____ (date it expires): _____
(2) (date of order): _____ (date it expires): _____
- b. Are you involved in any other court case with the person in 2?
 No
 Yes (If you know, list where the case was filed (city, state, or tribe), the year it was filed, and case number.)
 Custody _____
 Guardianship _____
 Divorce _____
 Juvenile Court _____
 Criminal _____
 Other (what kind of case?): _____

This is not a Court Order.



Describe Abuse

In this section, explain how the person in (2) has been abusive. The judge will use this information to decide your request. Here are some examples of what "abuse" means under the law (*not a complete list*):

- harassed you
- made repeated unwanted contact with you
- tracked, controlled, or blocked your movements
- kept you from getting food or basic needs
- isolated you from friends, family, or other support
- made threats based on actual or suspected immigration status
- made you do something by force, threat, or intimidation
- stopped you from accessing or earning money
- tried to control your contraception, birth control, pregnancy, or access to related health information
- hit, kicked, pushed, or bit you
- injured you or tried to
- threatened to hurt or kill you
- sexually abused you
- abused a pet or animal
- destroyed your property
- choked or strangled you
- abused your children

5 Most recent abuse

- a. Date of abuse (*give an estimate if you don't know the exact date*): _____
- b. Did anyone else hear or see what happened on this day?
 I don't know No Yes (*If yes, give names*): _____
- c. Did the person in (2) use or threaten to use a gun or other weapon?
 No Yes (*If yes, describe gun or weapon*): _____
- d. Did the person in (2) cause you any emotional or physical harm?
 No Yes (*If yes, describe harm*): _____

- e. Did the police come? I don't know No Yes (*If the police gave you a restraining order, list it in (4).*)
- f. Give more details about how the person in (2) was abusive on this day. Details can include what was said, done, or sent to you (examples: text messages, emails, or pictures), how often something happened, etc.

- g. How often has the person in (2) abused you like this?
 Just this once 2-5 times Weekly Other: _____
 Give dates or estimates of when it happened, if known:

This is not a Court Order.

6 Has the person in 2 abused you in a different way from the abuse you described in 5? If yes, describe below.

a. Date of abuse (give an estimate if you don't know the exact date): _____

b. Did anyone else hear or see what happened on this day?
 I don't know No Yes (If yes, give names): _____

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

d. Did the person in 2 cause you any emotional or physical harm?
 No Yes (If yes, describe harm):

e. Did the police come? I don't know No Yes (If the police gave you a restraining order, list it in 4.)

f. Give more details about how the person in 2 was abusive on this day. Details can include what was said, done, or sent to you (examples: text messages, emails, or pictures), how often something happened, etc.

g. How often has the person in 2 abused you like this?
 Just this once 2–5 times Weekly Other: _____
Give dates or estimates of when it happened, if known:

This is not a Court Order.



7 Is there other abuse by the person in 2 that you want the judge to know about? If yes, describe below.

a. Date of abuse (give an estimate if you don't know the exact date): _____

b. Did anyone else hear or see what happened on this day?
 I don't know No Yes (If yes, give names): _____

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

d. Did the person in 2 cause you any emotional or physical harm?
 No Yes (If yes, describe harm):

e. Did the police come? I don't know No Yes (If the police gave you a restraining order, list it in 4.)

f. Give more details about how the person in 2 was abusive on this day. Details can include what was said, done, or sent to you (examples: text messages, emails, or pictures), how often something happened, etc.

g. How often has the person in 2 abused you like this?
 Just this once 2-5 times Weekly Other: _____
Give dates or estimates of when it happened, if known:

Check this box if you need more space to describe the abuse. You can use [form DV-101, Description of Abuse](#), and turn it in with this form. You can also use a separate sheet of paper, write "Describe Abuse" abuse at the top, and turn it in with this form.

This is not a Court Order.



8 Other Protected People

Do you want the restraining order to protect your children, family, or someone you live with?

- a. No
- b. Yes *(If yes, complete the section below):*

(1) <u>Full name</u>	<u>Age</u>	<u>Relationship to you</u>	<u>Lives with you?</u>
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No

Check this box if you need to list more people. Use a separate piece of paper and write "DV-100, Other Protected People" at the top. Turn it in with this form.

(2) Why do these people need protection?

9 Does Person in (2) Have Firearms (Guns), Firearm Parts, or Ammunition?

- a. I don't know
- b. No
- c. Yes *(If you have information, complete the section below.)*

Describe guns, firearms, firearm parts, or ammunition	How many or amount?	Location, if known
(1) _____	_____	_____
(2) _____	_____	_____
(3) _____	_____	_____
(4) _____	_____	_____
(5) _____	_____	_____
(6) _____	_____	_____
(7) _____	_____	_____
(8) _____	_____	_____

This is not a Court Order.



Choose the Orders That You Want a Judge to Make

In this section, you will choose the orders you want a judge to make now. Every situation is different.
Choose the orders that fit your situation.

Check all the orders that you want a judge to make (order).

10 Order to Not Abuse

I ask the judge to order the person in (2) to not do the following things to me or anyone listed in (8):

Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, keep under surveillance, impersonate (on the internet, electronically, or otherwise), block movements, annoy by phone or other electronic means (including repeatedly contact), or disturb the peace.

Disturbing the peace includes, but is not limited to:

- Isolating you from friends, relatives, or other support; keeping you from food or basic needs; controlling or keeping track of you, including your movements, contacts, actions, money, or access to services; controlling or interfering with someone's contraception, birth control, pregnancy, or access to related health information; using force, threat, or intimidation to pressure someone to be or not be pregnant; and making you do something by force, threat, or intimidation, including threats related to actual or suspected immigration status.
- Destroying your mental or emotional well-being. This can be done directly or indirectly, such as through someone else. This can also be done in any way, including by phone, text, or online.

11 No-Contact Order

I ask the judge to order the person in (2) to not contact me or anyone listed in (8).

12 Stay-Away Order

a. I ask the judge to order the person in (2) to stay away from:

Check all that apply

Me.

My vehicle.

My children's school or childcare.

My home.

My school.

Other (please explain): _____

My job or workplace.

Each person in (8). _____

b. How far do you want the person to stay away from all the places you checked above?

100 yards (300 feet) Other (give distance in yards): _____

This is not a Court Order.



16 **Protect Animals**

a. (You may ask the court to protect your animals, your children’s animals, or the person in ②’s animals.)

	Name (or other way to ID animal)	Type of animal	Breed (if known)	Color
(1)	_____	_____	_____	_____
(2)	_____	_____	_____	_____
(3)	_____	_____	_____	_____
(4)	_____	_____	_____	_____

b. I ask the judge to protect the animals listed above by ordering the person in ② to:

Check all that apply

(1) Stay away from the animals by at least:

100 yards (300 feet) Other (give distance in yards): _____

(2) **Not** take, sell, hide, molest, attack, strike, threaten, harm, get rid of, transfer, or borrow against the animals.

(3) Give me sole possession, care, and control of the animals because (check all that apply):

Person in ② abuses the animals. I take care of these animals.

I purchased these animals. Other (please explain): _____

17 **Control of Property**

a. I ask the judge to give **only me** temporary use, possession, and control of the property listed here (describe):

b. Explain why you want control of the property you listed:

18 **Health and Other Insurance**

I ask the judge to order the person in ② to **not** make any changes to any insurance or other coverage for me, the person in ②, or our children, including not being allowed to cancel, cash, borrow against, transfer, dispose of, or change the beneficiaries for the insurance.

19 **Record Communications**

I ask the judge to allow me to record calls or communications the person in ② makes to me, when those calls or communications violate this restraining order.

This is not a Court Order.



20 **Property Restraint** *(only if you are married or a registered domestic partner with the person in 2.)*

I ask the judge to order the person in 2 not to 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.

21 **Extend My Deadline to Give Notice to Person in 2**

(Usually, the judge will give you about two weeks to give notice, or to "serve" the person in 2 of your request. If you need more time to serve, the judge may be able to give you a few extra days.)

I ask the judge to give me more time to serve the person in 2 because *(explain why you need more time)*:

22 **Pay Debts (Bills) Owed for Property**

(If you want the person in 2 to pay any debts owed for property, list them and explain why. The amount can be for the entire bill or only a portion. Some examples include rent, mortgage, car payment, etc.)

a. I ask the judge to order the person in 2 to make these payments while the restraining order is in effect:

- (1) Pay to: _____ For: _____ Amount: \$ _____ Due date: _____
- (2) Pay to: _____ For: _____ Amount: \$ _____ Due date: _____
- (3) Pay to: _____ For: _____ Amount: \$ _____ Due date: _____

Explain why you want the person in 2 to pay the debts listed above:

b. **Special decision (finding) by the judge if you did not agree to the debt** *(optional)*

(If you did not agree to the debt or debts listed above, you can ask the judge to decide (find) that one or more debts was made without your permission and resulted from the person in 2's abuse. This may help you defend against the debt if you are sued in another case.)

Do you want the judge to make this special decision (finding)?

- No Yes *(If yes, answer the questions below.)*

(1) Which of the debts listed above resulted from the abuse? *(check all that apply)*:

- a(1) a(2) a(3)

(2) Do you know how the person in 2 made the debt or debts?

- No Yes

(If yes, explain how the person in 2 made the debt or debts):

This is not a Court Order.



Orders That You Want a Judge to Make at Your Court Date

Below is a list of orders that a judge cannot make right away but can make at your court date in a few weeks. The person in (2) must be notified of your court date before the judge can consider making any of the orders listed below. Check all the orders that you want the judge to make at your court date.

23 **Pay Expenses Caused by the Abuse**

I ask the judge to order the person in (2) to pay for things **caused directly** by the person in (2) (damaged property, medical care, counseling, temporary housing, etc.). Bring proof of these amounts to your court date.

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

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

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

24 **Child Support** (*this only applies if you have a minor child with the person in (2)*)

Check all that apply

- 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 (*attach a copy if you have one*).
 c. I now receive or have applied for TANF, Welfare, or CalWORKS.

25 **Spousal Support** (*this only applies if you are married or a registered domestic partner with person in (2)*)

I ask the judge to order the person in (2) to give me financial assistance.

26 **Lawyer's Fees and Costs**

I ask that the person in (2) pay for some or all of my lawyer's fees and costs.

27 **Batterer Intervention Program**

I ask the judge to order the person listed in (2) to go to a 52-week batterer intervention program.

(The goal of a batterer's intervention program is to stop abuse. There are weekly classes to teach accountability, abuse effects, and gender roles. If ordered to complete this program, the person in (2) would have to show proof to the judge that they enrolled and completed the program.)

28 **Transfer of Wireless Phone Account**

(If the person in (2) holds the rights to your cell phone account, you can ask the judge to transfer your number or your child's number to you. This means you will be financially responsible for these accounts. If you want to have control over a mobile device, like a cell phone, make this request at (17) .)

I ask the judge to order the wireless service provider to transfer the billing responsibility and rights to the wireless phone numbers listed below to me because the account currently belongs to the person in (2):

a. My number Number of child in my care (including area code): _____

b. My number Number of child in my care (including area code): _____

This is not a Court Order.



Automatic Orders That a Judge Can Make Right Away

29 No Guns, Other Firearms, Firearm Parts, or Ammunition

If the judge grants you a restraining order, the person in ② must turn in, sell, or store any guns, other firearms, firearm parts, or ammunition that they have or control. The person in ② would also be prohibited from buying firearms and ammunition.

30 Cannot Look for Protected People

If the judge grants you a restraining order, the person in ② will not be allowed to look for the address or location of any person protected by the restraining order, unless the court finds good cause not to make this order.

31 Additional pages

If you used additional paper or forms, enter the number of extra pages attached to this form: _____

32 Your signature

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

33 Your lawyer's signature (if you have one)

Date: _____

Lawyer's name

Lawyer's signature

Your Next Steps

1 You must complete at least three additional forms:

- [Form DV-110, Temporary Restraining Order \(only items 1, 2 and 3\)](#)
- [Form DV-109, Notice of Court Hearing \(only items 1 and 2\)](#)
- [Form CLETS-001, Confidential CLETS Information](#)
- **If you are asking for orders relating to your minor children, you must complete [form DV-105, Request for Orders for Minor Children](#), and [form DV-140, Orders for Minor Children](#).**

2 Turn in your completed forms to the court. Find out when your forms will be ready for pick up.

3 Once you get your forms back from the court, have someone "serve" a copy of all forms on the person in ②. The sheriff or marshal can do this for free. Learn more about how to "serve" your papers and prepare for your court date: <https://selfhelp.courts.ca.gov/sheriff-serves-your-request-restraining-order>.

4 If you are asking for child support, spousal support, or lawyer's fees, you must also complete [form FL-150, Income and Expense Declaration](#). If you are only asking for child support (item 23), you may be eligible to fill out a simpler form, FL-155. Read form DV-570 to see if you are eligible. Turn in your completed form to the court before your court date. You must also have someone mail or personally deliver a copy to the person in ②.

This is not a Court Order.

This form is attached to form DV-100.

Draft-3.22.22 Not approved by Judicial Council

1 Your Information

- a. Name: _____
- b. Relationship to children: Parent Legal Guardian Other (*describe*): _____

2 Person You Want Protection From

- a. Name: _____
- b. Relationship to children: Parent Legal Guardian Other (*describe*): _____
- (Check here to list a third parent or legal guardian and complete the section below.)
 Name: _____ Relationship to child: _____

3 Children

- a. Name: _____ Date of birth: _____
- b. Name: _____ Date of birth: _____
- c. Name: _____ Date of birth: _____
- d. Name: _____ Date of birth: _____
- e. Name: _____ Date of birth: _____

(Check here if you need more space. Write "DV-105, Children" at the top and attach it to this form.)

4 City and State Where Children Lived

- a. Have all the children listed in **3** lived together for the last five years?
 Yes (*Complete section 4b.*)
 No (*If no, complete 4b for the first child you listed above in 3a. Use form DV-105(A) for the other children.*)

b. List where the child or children have lived for the last five years. Start with their current location.

Dates (month/year)		City, State, and Tribal Land	Child or children lived with:		
From: _____	To present	<input type="checkbox"/> Check here if you want to keep the location private. (<i>List the state only.</i>)	Me	Person in 2	Other*
From: _____	Until: _____		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
From: _____	Until: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
From: _____	Until: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
From: _____	Until: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
From: _____	Until: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Other* (*relationship to child*): _____

This is not a Court Order.



5 History of Court Cases Involving Children

a. Do you know about any other case involving any child listed in ③?

- No
- Yes *(If you know, list where the case was filed (city, state, or tribe), the year it was filed, and case number.)*
 - Custody _____
 - Divorce _____
 - Guardianship _____
 - Juvenile Court _____
 - Criminal _____
 - Other *(what kind of case?):* _____

b. Is there a current order for custody or visitation in effect?

- No
- Yes

If yes, describe the order and why you want to change the order. *(Attach a copy, if you have one.):*

Custody

In this section, you can ask a judge to make custody orders for your children. There are two types of custody in California: legal and physical custody.

- **Legal custody** means the person that makes decisions about the child's health, education, and welfare.
- **Physical custody** means the person that the child regularly lives with.

For both types of custody, parents can share custody (joint) or one parent can have full custody (sole). If a judge makes a custody order, the parent with custody cannot take the children out of California without permission from the court.

Check all the orders that you want a judge to make (order).

6 Custody of Children

- a. Legal Custody:
- Sole to me
 - Sole to Person in ②
 - Shared (held jointly) by persons in ① and ②.
 - Other *(describe):* _____

- b. Physical Custody:
- Sole to me
 - Sole to Person in ②
 - Shared (held jointly) by persons in ① and ②.
 - Other *(describe):* _____

This is not a Court Order.



Visitation (Parenting Time) with Children

In this section, you can ask a judge to make decisions on the parenting time for the person in (2). Visitation, or parenting time, means the schedule and exact times each parent spends with the child. If a parent does not get custody, that parent can still have time with the child if a judge believes it is safe and in the child's best interest.

7 **Visitation with Person in (2)**

a. **No visitation**, until it is safe for the children to visit with person in (2).

b. **Supervised (monitored) by a third person**

(To learn about supervised visitations, go to: selfhelp.courts.ca.gov/guide-supervised-visitation.)

(1) Who do you want to supervise the visits? (Check one.)

Nonprofessional, like a trusted relative or friend (list name, if known): _____

Professional (list name, if known): _____

Professional fees paid by: Me _____ % Person in (2) _____ % Other: _____ %

(2) How often and how long should the visits be?:

Once a week, for (number of hours): _____

Twice a week, for (number of hours): _____ each visit.

Other (describe): _____

Check here if you want to use the visitation chart in (8) for a schedule.

c. **Visits with no supervision (unmonitored)**

(If you want the person in (2) to have visits with no supervision, make sure to give as much detail as you can, including when visits will happen, how often the visits should be, and who will be responsible for transporting the children. You can use the chart in (8) or write out the schedule you want below.)

(1) Check here if you want to use the chart in (8).

(2) Parenting plan (describe):

This is not a Court Order.



8 **Visitation Schedule**

Follow the schedule listed below: Every week. Every other week. Other _____

Starting (*date visits should start*): _____

Visitation Schedule	Time	Person to bring children to and from visit	Location of drop-off and pick-up
Monday	Start: _____ End, if applies: _____		
Tuesday	Start: _____ End, if applies: _____		
Wednesday	Start: _____ End, if applies: _____		
Thursday	Start: _____ End, if applies: _____		
Friday	Start: _____ End, if applies: _____		
Saturday	Start: _____ End, if applies: _____		
Sunday	Start: _____ End, if applies: _____		

9 **Stop Access to Children's School, Health, and Other Information**

(You can ask the judge to stop the person in **2** from having access to the children's school, health, and other records. If you want to make this request, complete the section below.)

a. I ask that the person in **2** **not** have access to the records or information for:

- All the children listed in **3**.
- For only the children listed here (*name of each child*):

b. From the following (*check all that apply*):

- Medical, dental, and mental health providers
- School and daycare providers
- Extracurricular activity providers, including summer camps and sports teams
- Employers (including volunteer and unpaid positions)
- Other (*describe*): _____



10 **No Travel With Children Without Permission**

- a. I ask the judge to order that: Person in **2** Person in **1** Other (*name*): _____
- b. Must have written permission from me, or a court order, to take the children outside of:
- California
 - County of (*list*): _____
 - Other place(s) (*list*): _____

Prevent Child Abduction (Kidnapping)

In this section, you can ask for protection if you believe that there is a risk that the person in **2** will take the children out of California without your permission or hide them from you. If you do not want to ask for these orders, do not complete the rest of this form.

11 **Reasons I Am Afraid of Child Abduction**

I believe that there is a risk that the other parent will take our child out of California without my permission and hide the child from me, because the person in **2**:

(*Check all that apply*)

- a. Has violated or threatened to violate a custody or visitation order.
- b. Does not have strong ties to California.
- c. Has done things recently that make it easy to take our children, like (*check all that apply*):
 - Quit a job Applied for a passport, birth certificate, or school or medical records
 - Closed a bank account Hid or destroyed documents
 - Sold or gotten rid of property Other (*explain*): _____
 - Sold a home or ended a lease
- d. Has a history of:
 - Abusing me Taking away or hiding our children from me
 - Child abuse Threatening to take away or hide our children from me
 - Abusing other partners Not cooperating with me in parenting
- e. Has a criminal record
- f. Has strong ties in:
 - Another county in California (*list county*): _____
 - Another state (*list state*): _____
 - Another country (*list country*): _____
- g. Is a citizen of another country (*list country or countries*): _____
 Does the person in **2** have strong family, cultural, or emotional ties to that country? Yes No
- h. Give examples or reasons for your answers in **11** a–g:

The statements made above are made under penalty of perjury as declared on the request form (DV-100, **32**).



12 **Turn In and Do Not Apply for Passports or Other Important Documents**

I ask the judge to order the person in **(2)** to not apply for passports or other documents that can be used for travel, like visas and birth certificates, and to turn in the following documents: _____

by (date): _____ to (name of person to give documents to): _____

13 **Provide Travel Plan and Documents**

If the other parent is allowed to travel with our children, the other parent should be ordered to give me:

(Check all that apply.)

Children's travel schedule

Copies of round-trip airline tickets

Addresses and telephone numbers where the children can be reached

An open airline ticket for me in case the children are not returned.

Other (describe): _____

14 **Notify Other State of Travel Restrictions**

I ask the judge to order the person in **(2)** to register this order with (list state): _____ before the children can travel to that state for visits.

15 **Do Not Move With Children Without Permission**

I ask the judge to order that the other parent not move with our children without my written permission or the judge's permission.

16 **Post a Bond**

I ask the judge to order the person in **(2)** to post a bond for \$ _____.

If the person in **(2)** takes the children without my permission, I can use this money to bring the children back.

17 **Notify Foreign Embassy or Consulate of Passport Restrictions**

I ask the judge to order the person in **(2)** to notify (name of embassy or consulate): _____ of this order and to file proof of the notification with the court by (date): _____

18 **Foreign Custody and Visitation Order**

I ask the judge to order the person in **(2)** to get a custody and visitation order equal to the most recent U.S. order before the child can travel to (list country): _____ for visits.

(Note that foreign orders may be changed or enforced depending on the laws of the country.)

This form is attached to (check one):

- DV-105 (Use this form if you need more space to list residence history for other children.)
- DV-125 (Use this form to list where your children have lived for the last five years.)

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Not approved by
Judicial Council

Name of child or children: _____

(Start with their current location, and list where your children have lived for the last five years.)

Dates (month/year)		City, State, and Tribal Land	Child or children lived with:		
From: _____	To present	<input type="checkbox"/> Check here if you want to keep the location private. (List the state only.)	Me	Parent in (2)	Other*
		_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
From: _____	Until: _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
From: _____	Until: _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
From: _____	Until: _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
From: _____	Until: _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
From: _____	Until: _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Other* (relationship to child): _____

Name of child or children: _____

(Start with their current location, and list where your children have lived for the last five years.)

Dates (month/year)		City, State, and Tribal Land	Child or children lived with:		
From: _____	To present	<input type="checkbox"/> Check here if you want to keep the location private. (List the state only.)	Me	Parent in (2)	Other*
		_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
From: _____	Until: _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
From: _____	Until: _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
From: _____	Until: _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
From: _____	Until: _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
From: _____	Until: _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Other* (relationship to child): _____

Check here to list other children with a different residence history than the children you've already listed. Use another form DV-105(A) and attach it to this form.

This is not a Court Order.

Clerk stamps date here when form is filed.

Draft- 3.15.22
Not approved by the
Judicial Council

Instruction: The person asking for a restraining order must complete items 1 and 2. The court will complete the rest of this form.

1 Name of Person Asking for Order:

2 Name of Person to Be Restrained:

The court will fill out the rest of this form.

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

3 Notice of Hearing

A court hearing is scheduled on the request for restraining orders against the person in 2 :



Date: _____ Time: _____
Dept.: _____ Room: _____

Name and address of court if different from above:

You may attend your court date remotely, such as by phone or videoconference. For more information, go to the court's website for the county listed above. To find the court's website go to: www.courts.ca.gov/find-my-court.htm.

4 Temporary Restraining Orders (Any orders granted are attached on form DV-110.)

a. Temporary Restraining Orders (any order listed under Family Code section 6320):

(Check one):

- (1) [] All granted until the court hearing.
(2) [] All denied until the court hearing. (Reasons for denial are given below in b.)
(3) [] Partly granted and partly denied until the court hearing. (Reasons for denial are given below in b.)

b. Reasons for denial of some or all of the orders on form DV-100.

- (1) [] The facts given in the request (form DV-100) do not show reasonable proof of a past act or acts of abuse. (Family Code sections 6300, 6320, and 6320.5.)
(2) [] The facts given in the request do not give enough detail about the most recent incidents of abuse, including what happened, the dates, who did what to whom, or any injuries or history of abuse.
(3) [] Other reasons for denial:



5 Confidential Information Regarding Minor

- a. A Request to Keep Minor's Information Confidential (form DV-160) was made and **granted** (see form DV-165, Order on Request to Keep Minor's Information Confidential, served with this form.)
- b. **If the request was granted, the information described on the order (form DV-165, item 7) must be kept CONFIDENTIAL. The disclosure or misuse of the information is punishable as a sanction, with a fine of up to \$1,000 or other court penalties.**

6 Service of Documents by the Person in 1

At least five _____ days before the hearing, someone age 18 or older—not you or anyone to be protected—must personally give (serve) a court 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. DV-100, Request for Domestic Violence Restraining Order (file-stamped)
- b. DV-110, Temporary Restraining Order (file-stamped) **IF GRANTED**
- c. DV-120, Response to Request for Domestic Violence Restraining Order (blank form)
- d. DV-120-INFO, How Can I Respond to a Request for Domestic Violence Restraining Order?
- e. DV-250, Proof of Service by Mail (blank form)
- f. DV-170, Notice of Order Protecting Information of a Minor, and DV-165, Order on Request to Keep Minor's Information Confidential (file-stamped), **IF GRANTED**
- g. Other (specify): _____

Judge's Signature

Date: _____

Judicial Officer**Right to Cancel Hearing: Information for the Person in 1**

- If item 4a(2) or 4a(3) 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 6 on the other person.
- If you want to keep the hearing date, you must have all of the documents listed in item 6 served on the other person within the time listed in item 6.
- 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 attend the hearing if you want the judge to make restraining orders or continue any orders already made. If you cancel the hearing or do not attend the hearing, any restraining orders made on form DV-110 will end on the date of the hearing.



To the Person in ① :

- The court cannot grant a long-term restraining order 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, like form DV-200, *Proof of Personal Service*.
- For information about service, read form DV-200-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 form DV-115-INFO, *How to Ask for a New Hearing Date*.

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 Domestic Violence Restraining Order*, to the person in ① and file it with the court. 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 form 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 a copy 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 Domestic Violence Restraining Order?*
- If you are unable to attend your court hearing or need more time to prepare your case, you may ask the judge to reschedule your court date. Read form DV-115-INFO, *How to Ask for a New Hearing Date*.
- Whether or not you respond in writing, attend the hearing if you want the judge to hear from you before making an order. At the hearing, tell the judge why you agree or disagree with the orders requested. Bring any evidence or witnesses you have. Read form DV-520-INFO, *Get Ready for Your Restraining Order Court Hearing*.
- 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, firearm parts, or ammunition that you own or have.

**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.courts.ca.gov/forms for *Request for Accommodations by Persons with Disabilities and Response* (form MC-410). (Civil Code section 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

Clerk stamps date here when form is filed.

Draft-3.17.22
Not approved by the
Judicial Council

Instruction: The person asking for a restraining order must complete items
1, 2, and 3 only. The court will complete the rest of this form.

1 Protected Person (name):

2 Restrained Person

*Full Name:
*Gender: M F Nonbinary
*Age: (Give estimate, if age unknown.)
Date of Birth: Height: Weight:
Hair Color: Eye Color:
*Race:
Relationship to person in 1:
Address of restrained person:
City: State: Zip:
Type, number, and location of firearms, firearm parts, or ammunition:
(Information that has a star (*) next to it is required to add this order into a California police database. Give all the information you know.)

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

3 Other Protected People

In addition to the person named in 1, the people listed below are protected by the orders listed in 6 through 9.

Table with 3 columns: Full name, Relationship to person in 1, Age

Check here if you need to list more people. List them on a separate piece of paper, write "DV-110, Other Protected People" at the top, and attach it to this form.

(The court will complete the rest of this form)

4 Your Hearing Date (Court Date)



This order expires at the end of the hearing listed below:

Hearing Date: Time: a.m. p.m.

This is a Court Order.



This order must be enforced throughout the United States. See page 5.

To the Person in 2

The judge has granted temporary orders. See items 5 through 20. If you do not obey these orders, you can be charged with a crime, go to jail or prison, and/or pay a fine. It is a felony to take or hide a child in violation of this order.

5 No Guns, Other Firearms, Firearm Parts, or Ammunition

- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get any prohibited item listed below in b.
- b. Prohibited items are:
 - Firearms, including any handgun, rifle, shotgun, and assault weapon;
 - Firearm parts (any receiver, frame, or unfinished receiver/frame as defined in Penal Code section 16531); and
 - Ammunition.
- c. Within 24 hours of receiving this order, you must sell to or store with a licensed gun dealer, or turn in to law enforcement, any prohibited items you have in your immediate possession or control.
- d. Within 48 hours of receiving this order, you must file a receipt with the court that proves all prohibited items have been turned in or sold. (You may use form DV-800, Proof of Surrender of Firearms, Firearm Parts or Ammunition, for the receipt.)
- e. If a law enforcement officer served you with the restraining order, you must immediately surrender any prohibited items you have upon request by the officer. Within 48 hours, you must file a receipt with the law enforcement agency that proves all prohibited items have been turned in or sold.

6 Restrained Person Has Prohibited Items

The court finds that you have the following:

a. Firearms and/or firearm parts

Description	Location, if known	Check here if proof of compliance was received
(1) _____	_____	<input type="checkbox"/>
(2) _____	_____	<input type="checkbox"/>
(3) _____	_____	<input type="checkbox"/>
(4) _____	_____	<input type="checkbox"/>

b. Ammunition

Description	Amount, if known	Location, if known	Check here if proof of compliance was received
(1) _____	_____	_____	<input type="checkbox"/>
(2) _____	_____	_____	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>

This is a Court Order.



7 **Court Hearing to Review Firearms, Firearm Parts, and Ammunition Compliance**

In addition to the hearing listed on form DV-109, item **3**, you must attend the court hearing listed below to prove that all prohibited items that you have or own were turned in, sold, or stored. If the judge listed any items in **6** of this order, this means that the judge has found that you have those items. If you do not attend the court hearing listed below, a judge may find that you have violated the restraining order and will notify law enforcement and a prosecuting attorney of the violation.

Name and address of court, if different than court address listed on page 1



Date: _____ Dept.: _____
Time: _____ Room: _____

8 **Cannot Look for Protected People**

You must not take any action to look for any person protected by this order, including their addresses or locations.

If checked, this order was **not granted** because the judge found good cause not to make the order.

9 **Order to Not Abuse** Not requested Denied until the hearing Granted as follows:

You must not do the following things to the person in **1** and any person listed in **3**:

- Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, keep under surveillance, impersonate (on the internet, electronically, or otherwise), block movements, annoy by phone or other electronic means (including repeatedly contact), or disturb the peace.
- "Disturb the peace" means to destroy someone's mental or emotional calm. This can be done directly or indirectly, such as through someone else. This can also be done in any way, such as by phone, over text, or online. Disturbing the peace includes coercive control.
- "Coercive control" means a number of acts that unreasonably limit the free will and individual rights of any person protected by this restraining order. Examples include isolating them from friends, relatives, or other support; keeping them from food or basic needs; controlling or keeping track of them, including their movements, contacts, actions, money, or access to services; making them do something by force, threat, or intimidation, including threats based on actual or suspected immigration status; and reproductive coercion, meaning controlling someone's reproductive choices, such as using force, threat, or intimidation to pressure someone to be or not be pregnant, and to control or interfere with someone's contraception, birth control, pregnancy, or access to related health information.

This is a Court Order.



10 No-Contact Order Not requested Denied until the hearing Granted as follows:

- a. You must **not contact** the person in ① the persons in ③ directly or indirectly, by any means, including by telephone, mail, email, or other electronic means.
- b. Exception to 10a:
 - (1) You may have brief and peaceful contact with the person in ① only to communicate about your children for court-ordered visits.
 - (2) You may have contact with your children only during court-ordered contact or visits.
 - (3) Other (explain): _____
- c. Peaceful written contact through a lawyer or process server or another person for service of legal papers related to a court case is allowed and does not violate this order.

11 Stay-Away Order Not requested Denied until the hearing Granted as follows:

- a. You must stay at least (specify): _____ yards away from (check all that apply):

<input type="checkbox"/> Person in ①.	<input type="checkbox"/> School of person in ①.
<input type="checkbox"/> Home of person in ①.	<input type="checkbox"/> Persons in ③.
<input type="checkbox"/> Job or workplace of person in ①.	<input type="checkbox"/> Children’s school or child care.
<input type="checkbox"/> Vehicle of person in ①.	<input type="checkbox"/> Other (explain): _____
- b. Exception to 11a:
The stay-away orders do not apply:
 - (1) For you to exchange your children for court-ordered visits. You must do so briefly and peacefully.
 - (2) For you to visit with your children for court-ordered contact or visits.
 - (3) Other (explain): _____

12 Order to Move Out Not requested Denied until the hearing Granted as follows:

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

13 Other Orders Not requested Denied until the hearing Granted as follows:

This is a Court Order.



14 Orders for Minor Children Not requested Denied until the hearing Granted as follows:

Granted on the attached form DV-140, Orders for Minor Children, and

(list other form): _____.

15 Protect Animals Not requested Denied until the hearing Granted as follows:

- a. You must stay at least _____ yards away from the animals listed below.
- b. You must not take, sell, hide, molest, attack, strike, threaten, harm, get rid of, transfer, or borrow against the animals.
- c. The person in **(1)** is given the sole possession, care, and control of the animals listed below.

Name (or other way to ID animal)	Type of animal	Breed (if known)	Color
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

16 Control of Property Not requested Denied until the hearing Granted as follows:

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

17 Health and Other Insurance Not requested Denied until the hearing Granted as follows:

The person in **(1)** in **(2)** is ordered **not** to cash, borrow against, cancel, transfer, dispose of, or change the beneficiaries of any insurance or coverage held for the benefit of the parties —or their children, if any— for whom support may be ordered, or both.

18 Record Communications Not requested Denied until the hearing Granted as follows:

The person in **(1)** may record communications made by the person in **(2)** that violate this order.

This is a Court Order.



19 Property Restraint Not requested Denied until the hearing Granted as follows:

The person in ① 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. (If the court granted ⑧, the person in ② must not contact the person in ①. To notify the person in ① of new or big expenses, have a server mail or personally give the information to the person in ① or contact their lawyer, if they have one.)

20 Pay Debts Owed for Property Not requested Denied until the hearing 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: _____
Pay to: _____ For: _____ Amount: \$ _____ Due date: _____

21 Orders That May Be Made at the Hearing Date (Court Date)

If the person in ① checked any of these orders on form DV-100, a judge could grant them at your court date.

- Child Support • Lawyer’s Fees and Costs • Batterer Intervention Program
- Spousal Support • Pay Expensed Caused by Abuse • Transfer of Wireless Phone Account

22 No Fee to Serve (Notify) Restrained Person

The sheriff or marshal will serve this order for free.
Bring a copy of all the papers that you need to be served to the sheriff or marshal.

23 **Attached pages** *(All of the attached pages are part of this order.)*

- a. Number of pages attached to this eight-page form: _____
- b. Attachments include forms *(check all that apply)*:
- DV-140 DV-820 Other: _____

Judge's Signature

Date: _____

Judge or Judicial Officer

This is a Court Order.



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. section 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**Your Address to Receive Court Orders**

If the judge makes a restraining order at the hearing (court date), which has the same orders as in this Temporary Restraining Order, you will get a copy of that order by mail at your last known address, which is written in ② on page 1. If your address was not listed on this form or is incorrect, contact the court. If you did not attend your hearing and want to know if the judge granted a restraining order against you, contact the court.

Child Custody, Visitation, and Support

- **Child custody and visitation:** If you do not attend your hearing (court date), the judge can make custody and visitation orders for your children without hearing from you.
- **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 a parent's paycheck. Child support can be a lot of money, and usually you have to pay until the child is age 18. File and serve **form FL-150, *Income and Expense Declaration***, or **form FL-155, *Financial Statement (Simplified)***, if you want the judge to have information about your finances. Otherwise, the court may make support orders without hearing from you.
- **Spousal support:** File and serve **form FL-150, *Income and Expense Declaration***, 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 sections 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6.

This is a Court Order.

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. (Penal Code section 13710(b).)

Conflicting Orders – Priorities for Enforcement

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced according to the following priorities (see Penal Code section 136.2 and Family Code sections 6383(h), 6405(b)):

1. **EPO:** If one of the orders is an *Emergency Protective Order* (form EPO-001), and it is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. **No-Contact Order:** If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence in enforcement over any other restraining or protective order.
3. **Criminal Order:** If none of the orders include an EPO or a no-contact order, a criminal protective order (CPO) issued in a criminal case involving domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil restraining order that conflicts with the CPO. All orders in the civil restraining order that do not conflict with the CPO must be enforced.
4. **Family, Juvenile, or Civil Order:** If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

Child Custody and Visitation

- Custody and visitation orders are on form DV-140. They are sometimes also written on additional pages or referenced in DV-140 or other orders that are not part of the restraining order.
- At items 10b(1) or 11b(1) of this order, the judge may allow the person in ② to have brief and peaceful contact with the person in ①, as needed to follow court-ordered visits. Conduct of the person in ② that is **not** brief and peaceful is a violation of this order.
- **Forms DV-100 and DV-105 are not orders. Do not enforce them.**

(The clerk will fill out this part.)

Clerk's Certificate
[seal]

—Clerk's Certificate—

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

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

Clerk stamps date here when form is filed.

Draft- 3.16.22
Not approved by
Judicial Council

(Complete items 1 and 2 only.)

1 Protected Party: _____

2 Restrained Party: _____

(The court will complete the rest of this form)

3 Next Court Date

a. The request to reschedule the court date is denied.

Your court date is: _____

(1) Any Temporary Restraining Order (form DV-110) already granted stays in full force and effect until the next court date.

(2) Your court date is not rescheduled because:

b. The request to reschedule the court date is granted. Your court date is rescheduled for the day and time listed below. See items 5-9 for more information.

Name and address of court, if different from above:

New Court Date

Date: _____ Time: _____
Dept.: _____ Room: _____

Fill in court name and street address:

Superior Court of California, County of _____

Fill in case number:

Case Number: _____

4 Attend Court Hearing By Phone or Videoconference

You may attend your court date remotely, such as by phone or videoconference. For more information, go to the court's website for the county listed above. To find the court's website go to: www.courts.ca.gov/find-my-court.htm.

5 Temporary Restraining Order

a. There is no Temporary Restraining Order (TRO) in this case until the next court date because:

(1) A TRO was not previously granted by the court.

(2) The court terminates (cancels) the previously granted TRO because:

b. A Temporary Restraining Order (TRO) is in full force and effect because:

(1) The court extends the TRO previously granted on (date): _____

It now expires on (date): _____ (If no expiration date is listed, the TRO expires at the end of the court date listed in 3b).

(2) The court changes the TRO previously granted and signs a new TRO (form DV-110).

c. Other (specify): _____

Warning and Notice to the Restrained Party:
If 5b is checked, a domestic violence restraining order has been issued against you. You must follow the orders until they expire.

This is a Court Order.



6 Reason Court Date Is Rescheduled

- a. There is good cause to reschedule the court date (*check one*):
- (1) The protected party has not served the restrained party.
- (2) Other (*explain*):

- b. This is the first time that the restrained party has asked for more time to prepare.
- c. The court reschedules the court date on its own motion.

7 Serving (Giving) Order to Other Party

The request to reschedule was made by the:

a. **Protected party**

- (1) You do not have to serve the restrained party because they or their lawyer were at the court date or agreed to reschedule the court date.
- (2) You must have the restrained party personally served with a copy of this order and a copy of all documents listed on form [DV-109](#), item **6**, by (*date*): _____
- (3) You must have the restrained party served with a copy of this order. This can be done by mail. You must serve by (*date*): _____
- (4) The court gives you permission to serve the restrained party as listed on the attached form DV-117.
- (5) Other:
- _____
- _____
- _____
- _____

b. **Restrained party**

- (1) You do not have to serve the protected party because they or their lawyer were at the court date or agreed to reschedule the court date.
- (2) You must have the protected party personally served with a copy of this order by (*date*): _____
- (3) You must have the protected party served with a copy of this order. This can be done by mail. You must serve by (*date*): _____
- (4) Other:
- _____
- _____
- _____
- _____

c. **Court**

- (1) Further notice is not required.
- (2) The court will mail a copy of this order to all parties by (*date*): _____
- (3) Other:
- _____
- _____
- _____
- _____

This is a Court Order.



8 No Fee to Serve

The sheriff or marshal will serve this order for **free**.
Bring a copy of all the papers that need to be served to the sheriff or marshal.

9 Other Orders

10 Attached pages *(All of the attached pages are part of this order.)*

a. Number of pages attached to this three-page form: _____

b. Attachments include forms *(check all that apply)*:

DV-110 DV-820 Other: _____

Judge's Signature

Date: _____

Judge or Judicial Officer



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.courts.ca.gov/forms.htm for Request for Accommodations by Persons With Disabilities and Response (*form MC-410*). (Civil Code **section 54.8**.)

Instructions to Clerk

If the hearing is rescheduled and the court extended, modified, or terminated a temporary restraining order, then the court must enter this order into CLETS or send this order to law enforcement to enter into CLETS. This must be done within one business day from the day the order is made.

—Clerk's Certificate—

Clerk's Certificate

[seal]

I certify that this *Order on Request to Continue Court Hearing (Temporary Restraining Order) (CLETS-TRO)* (form DV-116) 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- 3.16.22
Not approved by the Judicial Council**

Use this form if someone has asked for a domestic violence restraining order against you, and you want to respond in writing. You will need a copy of form DV-100, *Request for Domestic Violence Restraining Order*, that was filled out by the person who asked for a restraining order against you. There is no cost to file this form with the court.

Do not use this form if you want to ask for your own restraining order. Read [form DV-500-INFO](#), *Can a Domestic Violence Restraining Order Help Me?* to find out more about this type of restraining order.

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:**1 Name of Person Asking for Protection:***(See form DV-100, item 1):*

2 Your Name:**! Address where you can receive court papers**

(This address will be used by the court and by the person in 1 to send you official court dates, orders, and papers. For privacy, you may use another address like a post office box or another person's address, if you have their permission and can get your mail regularly. If you have a lawyer, give their information.)

Address: _____

City: _____ State: _____ Zip: _____

! Your contact information (optional)

(The court could use this information to contact you. If you don't want the person in 1 to have this information, leave it blank or provide a safe phone number or email address. If you have a lawyer, give their information.)

Email Address: _____ Telephone: _____ Fax: _____

Your lawyer's information (if you have one)

Name: _____ State Bar No.: _____

Firm Name: _____

3 Your Hearing Date (Court Date)

Your hearing date is listed on form DV-109, *Notice of Court Hearing*. If you do not agree to having a restraining order against you, go to your hearing date. If you do not **attend your hearing**, the judge could grant a restraining order that could last up to five years.

This is not a Court Order.

How to complete this form: To answer the questions below, look at the form DV-100 filled out by the person in ①. Tip: When the restraining order forms say "the person in ②" that means you, and the "person in ①" means the person who is asking for a restraining order against you.

4 Information About You (see ② on form DV-100)

The person in ① listed your name, age, gender, and date of birth. If any of the information is incorrect, use the space below to give the correct information.

5 History of Court Cases and Restraining Orders (see ④ on form DV-100)

The person in ① may have listed other court cases or restraining orders involving you. If information is incorrect or missing, use the space below to give information.

Check here if you are including a copy of restraining order or court order that you want the judge to know about.

6 Your Relationship to the Person in ①

In item ③ of form DV-100, has the person in ① correctly described your relationship with them?

Yes No If no, what is your relationship with the person in ①?:

7 Other Protected People

If the judge grants a restraining order, it can include family or household members of the person in ①. See ⑧ on form DV-100 to see if the person in ① is asking for other people to be protected by the restraining order.

- a. I agree to the order requested.
b. I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: _____

8 Order to Not Abuse (see ⑩ on form DV-100)

- a. I agree to the order requested.
b. I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: _____

This is not a Court Order.



9 **No-Contact Order** (see **11** on form DV-100)

- a. I agree to the order requested.
b. I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: _____

10 **Stay-Away Order** (see **12** on form DV-100)

- a. I agree to the orders requested.
b. I do not agree to the orders requested.

Explain why you disagree, or describe a different order that you would agree to: _____

11 **Order to Move Out** (see **13** on form DV-100)

- a. I agree to the order requested.
b. I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: _____

12 **Other Orders** (see **14** on form DV-100)

- a. I agree to the order requested.
b. I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: _____

13 **Order for Minor Children** (see **15** on form DV-100)

- a. I am **not** the parent of the child listed in form DV-105, *Request for Orders for Minor Children*.
b. I am the parent of the child or children listed in form DV-105 (check all that apply below):

- (1) I agree to the order requested.
(2) I do not agree to the order requested, because: _____

- (3) I would agree to a different order (explain the orders that you would agree to, or use [form DV-125, Response to Request for Orders for Minor Children](#)):

Check here if you will complete form **DV-125** and attach it to this form.

This is not a Court Order.



14 **Protect Animals** (see **16** on form DV-100)

- a. I agree to the orders requested.
- b. I do not agree to the orders requested.

Explain why you disagree, or describe a different order that you would agree to: _____

15 **Control of Property** (see **17** on form DV-100)

- a. I agree to the order requested.
- b. I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: _____

16 **Health and Other Insurance** (see **18** on form DV-100)

- a. I agree to the order requested.
- b. I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: _____

17 **Record Communications** (see **19** on form DV-100)

- a. I agree to the order requested.
- b. I do not agree to the order requested.

18 **Property Restraint** (see **20** on form DV-100)

- a. I agree to the order requested.
- b. I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: _____

19 **Pay Debt (Bills) Owed for Property** (see **22** on form DV-100)

- a. I agree to the orders requested.
- b. I do not agree to the orders requested.

Explain why you disagree, or describe a different order that you would agree to: _____

This is not a Court Order.



20 **Pay Expenses Caused by the Abuse** (see **23** on form DV-100)

- a. I agree to the order requested.
- b. I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: _____

21 **Child Support** (see **24** on form DV-100)

- a. I agree to the order requested.
- b. I do not agree to the order requested.
- c. I agree to pay guideline child support. (*Learn more about guideline child support at www.courts.ca.gov/selfhelp-support.htm.)*

22 **Spousal Support** (see **25** on form DV-100)

- a. I agree to the order requested.
- b. I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: _____

23 **Lawyer's Fees and Costs** (see **26** on form DV-100)

- a. I agree to the order requested.
- b. I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: _____

- c. I ask that the person in **1** pay for some or all of my lawyer's fees and costs.

24 **Batterer Intervention Program** (see **27** on form DV-100)

- a. I agree to the order requested.
- b. I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: _____

This is not a Court Order.



25 **Transfer Wireless Phone Account** (see 28 on form DV-100)

- a. I agree to the order requested.
- b. I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: _____

26 **Guns, Other Firearms, Firearm Parts, or Ammunition** (see 29 on form DV-100)

If you were served with form DV-110, *Temporary Restraining Order*, you must follow the orders in 7 on form DV-110. 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 Surrender of Firearms, Firearm Parts and Ammunition*, for the receipt.

Check all that apply

- a. I do not own or have any prohibited items (guns, firearms, prohibited firearm parts, or ammunition).
- b. I have turned in all prohibited items that I have or control to law enforcement or sold/stored them with a licensed gun dealer. A copy of the receipt showing that I turned in, sold, or stored the prohibited items (check all that apply):
 - is attached has already been filed with the court.
- c. I ask for an exemption from the firearms prohibition under Family Code section 6389(h) because (explain): _____

27 **Cannot Look for Protected People** (see 30 on form DV-100)

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

Explain why you disagree, or describe a different order that you would agree to: _____

28 **Additional Reasons I Do Not Agree with the Request** (optional)

Explain why you do not agree to any of the orders requested by the person in 1 (give specific facts and reasons):

Check here if you need more space. Attach a sheet of paper and write “DV-120, Additional Reasons I Do Not Agree with the Request” at the top.

This is not a Court Order.



29 **My Out-of-Pocket Expenses**

If the request for restraining order is denied by the judge at the court hearing, I ask the judge to order the person in **1** to pay my out-of-pocket expenses because the temporary restraining order was granted without enough supporting facts. The expenses are:

For: _____	Because: _____	Amount: \$ _____
For: _____	Because: _____	Amount: \$ _____
For: _____	Because: _____	Amount: \$ _____

30 **Additional Pages**

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

31 **Your signature**

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

32 **Your lawyer's signature** *(if you have one)*

Date: _____

Lawyer's name



Lawyer's signature

Your Next Steps

- If the person in **1** asked for child support, spousal support, or anyone is asking for lawyer's fees, you must complete [form FL-150, Income and Expense Declaration](#). If the person in **1** is only asking for child support (item 24 on form DV-100), you may be eligible to fill out a simpler form, [form FL-155](#). Read [form DV-570](#) to see if you are eligible to fill out form FL-155. Before your court date, you must file form FL-150 or FL-155 with the court. Then you must have a server mail a copy to the person in **1** and have your server complete [form DV-250, Proof of Service by Mail](#). After form DV-250 is completed, file it with the court.

- Prepare for your court date by gathering evidence or witnesses, if you have any. Learn more at: <https://selfhelp.courts.ca.gov/respond-domestic-violence-restraining-order>. More information is also available on [form DV-120-INFO, How Can I Respond to a Request for Domestic Violence Restraining Order?](#)

This is not 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. Abuse can be physical or emotional. It can be spoken or written.

What does the order do?

A restraining order can include orders for you to:

- Not contact or harm the protected person, including children or others listed as protected people
- Stay away from all protected people
- Not have any guns, firearms (including "ghost guns"), firearm parts, or ammunition
- Move out of the place that you share with the protected person
- Follow custody and visitation orders
- Pay child support
- Pay spousal support
- Obey property orders

Who can ask for a domestic violence restraining order?

The person requesting the order must have a relationship with you:

- Someone you date or used to date
- Married, registered domestic partners, separated, engaged, or divorced
- Someone you live or lived with (more than a roommate)
- A parent, grandparent, sibling, child, or grandchild related by blood, marriage, or adoption

What if I have children with the person asking for a restraining order?

A restraining order can include orders for your children, including child custody and visitation. If the court made orders for your children, the orders would be listed on form DV-140, *Orders for Minor Children*.

What if I want to leave the county or state?

You must still comply with the restraining order, including custody and visitation orders. The restraining order is valid anywhere in the United States.

I was served with form DV-100, DV-109, or DV-110. What do I do now?

Read the papers very carefully. Your court hearing is listed on form DV-109. You should attend the court hearing if you do not agree to the orders requested. If you do not attend, the judge can make orders against you without hearing from you. If you were served with form DV-110, this means that the judge granted a temporary restraining order against you. You must follow the orders. Look at form DV-100 to see what the other side has asked the judge to order.

What if I don't obey the order?

The police can arrest you. You can go to jail and pay a fine. You must still follow the orders even if you are not a U.S. citizen. If you are worried about your immigration status, talk to an immigration lawyer.

How long does the order last?

If there is a temporary restraining order in effect, it will last until the hearing date. At your court hearing, the judge will decide whether to extend the order or cancel the order. The judge can extend the order for up to five years. Custody, visitation, child support, and spousal support orders can last longer than five years and they do not end when the restraining order ends.

Do I need a lawyer?

It's possible to go through this process without a lawyer. But having a restraining order against you may have a lot of consequences, and you may want to hire a lawyer. If you don't hire a lawyer, you can get free help from your court's self-help center. Find your local court's self-help center at: www.courts.ca.gov/selfhelp.

What if I was arrested or have criminal charges against me?

Anything you say at your court hearing or write in your papers could be used against you in a criminal case. Talk to a lawyer if you have any concerns.



DV-120-INFO How Can I Respond to a Request for Domestic Violence Restraining Order?

What are my next steps?

1 Turn in or sell prohibited items



If there is a temporary restraining order against you (see form DV-110), then you must immediately turn in, sell, or store any guns, firearms, firearm parts, or ammunition that you have or own. You must then prove to the court that you've complied with the orders. Bring form DV-800/JV-270, *Proof of Surrender of Firearms, Firearm Parts, and Ammunition*, to a gun dealer or law enforcement when you turn in your firearms. After DV-800/JV-270 is complete, file it with the court. Read [Form DV-800-INFO/JV-270-INFO](#), *How Do I Turn In, Sell, Or Store Firearms, Firearm Parts, and Ammunition?*, for more information.

2 Respond to the request, in writing (optional)

If you want the judge and other side to know if you agree or disagree with the request, you can fill out [form DV-120](#), *Response to Request for Domestic Violence Restraining Order*. There is no court fee to file this form. After you fill out the form, file it with the court and “serve” the form on the person asking for the restraining order. “Serve” means to have someone 18 years old or older mail a copy to the person asking for the restraining order. You cannot be the one to mail your papers. The person who mails your form must fill out [form DV-250](#), *Proof of Service by Mail*. After form DV-250 is completed, file it with the court.

3 Prepare for your court hearing

Your court hearing is listed on form DV-109, *Notice of Court Hearing*. You can attend in person or remotely (by phone or videoconference). If you want to attend remotely, go to the court's website for more information. If you have evidence or witnesses, have them ready for your court hearing. At the hearing, you and the other side will have the opportunity to tell your side of the story. For more information, read [form DV-520-INFO](#), *Get Ready for the Restraining Order Court Hearing*. If you need more time to prepare your case, you may ask for a new court date. Read form DV-115-INFO, *How to Ask For a New Hearing Date*, for more information.

What if I need an interpreter?



You may use [form INT-300](#) to request an interpreter or ask the court clerk how you can request one.

What if I have a disability and need an accommodation?

You may use [form MC-410](#) to request assistance. Contact the disability/ADA coordinator at your local court for more information.

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.courts.ca.gov/forms.htm for *Disability Accommodation Request* ([form MC-410](#)). (Civil Code section 54.8.)

Can I use the restraining order to get divorced or end a 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.

What if I need a restraining order against the other person?

Do not use [form DV-120](#) to request a domestic violence restraining order. For information on how to file your own restraining order, read [Form DV-505-INFO](#). You can also ask the court clerk about free or low-cost legal help.

What if I am a victim or survivor of domestic violence?

The National Domestic Violence Hotline provides free and private safety tips. Help is available in over 100 languages. Visit online at www.thehotline.org or call 1-800-799-7233; 1-800-787-3224 (TTY).

(This form is attached to form DV-120.)

Draft-3.22.22 Not approved
by Judicial Council

How to complete this form: To answer the questions below, look at the form DV-105 filled out by the person in ①. Tip: Where form DV-105 refers to "person in ②," that means you. If you need more space to complete your answer, you can use a separate piece of paper and attach it to this form. Include a title at the top of the paper (example: DV-125, Custody).

① Person Asking for Protection (see ① on form DV-105)

- a. Name: _____
- b. Relationship to children: Parent Legal Guardian Other (describe): _____

② Your Information

- a. Name: _____
- b. Relationship to children: Parent Legal Guardian Other (describe): _____

③ Children (see ③ on form DV-105)

- a. I am the parent of the child or children listed on form DV-105.
- b. I am **not** the parent of all the children listed on form DV-105.
- c. I am **not** the parent of the following children (list names):

- d. Other (describe): _____

④ City and State Where Children Lived (see ④ on form DV-105)

- a. I agree with the information given by the person in ①.
- b. I do not agree. (Use form DV-105(A) to list where the children have lived.)

⑤ History of Court Cases Involving Children (see ⑤ on form DV-105)

The person in ① may have listed other court cases involving your children. If information is incorrect or missing, use the space below to give information. List where the case was filed (city, state, or tribe), the year the last order was made, and case number.)

- Custody _____
- Guardianship _____
- Divorce _____
- Juvenile Court _____
- Criminal _____
- Other (what kind of case?): _____

- Check here if you are attaching a copy of a custody or visitation order.

This is not a Court Order.

6 **Custody** (see **6** on form DV-105)

- a. I agree to the order requested.
- b. I do not agree to the order requested because: _____

c. I would agree to a different order:

(1) Legal Custody (*The person that makes decisions about the child's health, education, and welfare.*)

- Sole to Person in **1**
- Sole to Person in **2**
- Shared (held jointly) by persons in **1** and **2**.
- Other (*name*): _____

(2) Physical Custody (*The person that the child regularly lives with.*)

- Sole to Person in **1**
- Sole to Person in **2**
- Shared (held jointly) by persons in **1** and **2**.
- Other (*name*): _____

7 **Visits with Children** (see **7** on form DV-105)

- a. I agree to the order requested.
- b. I do not agree to the order requested because: _____

c. I would agree to a different order:

(Give as much detail as you can about the parenting time you want, including when visits will happen, how often the visits should be, and who will be responsible for transporting the children. You can write out the schedule you want below or use the chart in **8**.)

(1) Parenting plan (*describe*):

(2) Check here if you want to use the chart in **8**.

This is not a Court Order.

8 **Visitation Schedule**Follow the schedule listed below: Every week. Every other week. Other _____

Visitation Schedule	Time	Person to bring children to and from visit	Location of drop-off and pick-up
Monday	Start: _____ End, if applies: _____		
Tuesday	Start: _____ End, if applies: _____		
Wednesday	Start: _____ End, if applies: _____		
Thursday	Start: _____ End, if applies: _____		
Friday	Start: _____ End, if applies: _____		
Saturday	Start: _____ End, if applies: _____		
Sunday	Start: _____ End, if applies: _____		

9 **Stop Access to Children's School, Health, and Other Information** (see **9** on form DV-105)

- a. I agree to the order requested.
- b. I do not agree to the order requested because: _____

- c. I would agree to a different order (describe the order you would agree to):

10 **Request for Orders to Prevent Child Abduction** (see **11**–**18** on form DV-105)

- a. I agree to the order requested.
- b. I do not agree to the order requested because: _____

- c. I would agree to a different order (describe the order you would agree to):

11 The statements made on this form are made under penalty of perjury as declared on the response form (DV-120).**This is not a Court Order.**

Restraining Order After Hearing (Order of Protection)

Clerk stamps date here when form is filed.

Draft- Not approved by Judicial Council-3.17.22

Original Order Amended Order

1 Protected Person (name):

2 Restrained Person

*Full Name:

*Gender: M F Nonbinary

*Age: (Give estimate, if age unknown.)

Date of Birth: Height: Weight:

Hair Color: Eye Color:

*Race:

Relationship to person in 1:

Address of restrained person:

City: State: Zip:

(Information that has a star (*) next to it is required to add this order into a California police database. Give all the information you know.)

Fill in court name and street address:

Superior Court of California, County of

Clerk fills in case number when form is filed.

Case Number:

3 Other Protected People

In addition to the person in 1, the following persons are protected by orders as indicated in items 11 through 14.

Table with 3 columns: Full name, Relationship to person in 1, Age

4 Expiration Date

This restraining order, except the orders noted below,* end on:

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

*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.

- If no date is written, the restraining order ends three years after the date of the hearing in item 5 a.
If no time is written, the restraining order ends at midnight on the expiration date.

This order must be enforced throughout the United States. See page 9.

This is a Court Order.



5 Hearing

- a. The hearing was on *(date)*: _____ with *(name of judicial officer)*: _____
- b. These people attended 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)*: _____

6 Future Court Hearing

The person in **1** person in **2** must attend court on:

Date: _____ Department: _____

Time: _____ a.m. p.m. to review *(list issues)*: _____

To the Person in **2**

The court has granted a long-term restraining order. See **7** through **29**. If you do not obey these orders, you can be charged with a crime, go to jail or prison, and/or pay a fine. It is a felony to take or hide a child in violation of this order.

7 No Guns, Other Firearms, Firearm Parts, or Ammunition

- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get any prohibited item listed below in b.
- b. Prohibited items are:
- Firearms, including any handgun, rifle, shotgun, and assault weapon;
 - Firearm parts (receiver, frame, or unfinished receiver/frame as defined in Penal Code section 16531); and
 - Ammunition.
- c. Within 24 hours of receiving this order, you must sell to or store with a licensed gun dealer, or turn in to law enforcement, any prohibited items you have in your immediate possession or control.
- d. Within 48 hours of receiving this order, you must file a receipt with the court to prove that all prohibited items have been turned in or sold. (You may use [form DV-800/JV-270, Proof of Surrender of Firearms, Firearm Parts, and Ammunition](#), for the receipt.)
- e. If a law enforcement officer served you with the restraining order, you must immediately surrender any prohibited items you have upon request by the officer. Within 48 hours, you must file a receipt with the law enforcement agency that proves all prohibited items have been turned in or sold.
- f. Limited Exemption: The judge has made the necessary findings to grant an exemption under Family Code section 6389(h). Under California law, the person in **2** is not required to relinquish this firearm *(make, model, and serial number of firearm)*: _____ but must only have it during scheduled work hours and to and from their place of work. Even if exempt under California law, the person in **2** may be subject to federal prosecution for possessing or controlling a firearm.

This is a Court Order.



8 **Restrained Person Has Prohibited Items**

The court finds that you have the following firearms, firearm parts, or ammunition:

a. Firearms and/or firearm parts

Description	Location, if known	Check here if proof of compliance was received
(1) _____	_____	<input type="checkbox"/>
(2) _____	_____	<input type="checkbox"/>
(3) _____	_____	<input type="checkbox"/>
(4) _____	_____	<input type="checkbox"/>

b. Ammunition

Description	Amount, if known	Location, if known	Check here if proof of compliance was received
(1) _____	_____	_____	<input type="checkbox"/>
(2) _____	_____	_____	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>

Check here to list additional items. List them on a separate piece of paper, write "DV-130, Restrained Person Has Prohibited Items" at the top, and attach it to this form.

9 **Restrained Person Has Not Complied With Surrendering Prohibited Items**

a. The court finds that you have not fully complied with the orders previously granted on *(date)*: _____
The court has not received a receipt or proof of compliance for all the items listed in **8**.

b. Notify Law Enforcement

The court will immediately notify the following law enforcement agency of this violation *(name of agency)*: _____

c. Notify Prosecutor

If you do not provide a receipt or proof of compliance within two days of today's hearing, by: *(date and time)*: _____
the court will notify the *(name of prosecuting agency)*: _____

10 **Court Hearing to Review Firearms, Firearm Parts, and Ammunition Compliance**

You must attend the court hearing in **6** to prove that all prohibited items have been properly turned in, sold, or stored.

This is a Court Order.



11 Cannot Look for Protected People

You must not take any action to look for any person protected by this order, including their addresses or locations.

If checked, this order was not granted because the court found good cause not to make this order.

12 Order to Not Abuse

You must not do the following things to the person in ① and any person listed in ③:

- Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, keep under surveillance, impersonate (on the internet, electronically, or otherwise), block movements, annoy by phone or other electronic means (including repeatedly contact), or disturb the peace.
- “Disturb the peace” means to destroy someone's mental or emotional calm. This can be done directly or indirectly, such as through someone else. This can also be done in any way, such as by phone, over text, or online. Disturbing the peace includes coercive control.
- “Coercive control” means a number of acts that unreasonably limit the free will and individual rights of any person protected by this restraining order. Examples include isolating them from friends, relatives, or other support; keeping them from food or basic needs; controlling or keeping track of them, including their movements, contacts, actions, money, or access to services; making them do something by force, threat, or intimidation, including threats based on actual or suspected immigration status; and reproductive coercion, meaning controlling someone's reproductive choices, such as using force, threat, or intimidation to pressure someone to be or not be pregnant, and to control or interfere with someone's contraception, birth control, pregnancy, or access to related health information.

13 No-Contact Order

a. You must **not contact** the person in ①, the persons in ③, directly or indirectly, by any means, including by telephone, mail, email, or other electronic means.

b. Exception to 13a:

- (1) You may have brief and peaceful contact with the person in ① to only communicate about your children for court-ordered visits.
- (2) You may have contact with your children only during court-ordered contact or visits.
- (3) Other (*explain*): _____

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

This is a Court Order.



14 **Stay-Away Order**

a. You **must** stay at least (*specify*): _____ yards away from (*check all that apply*):

- Person in ①.
- Home of person in ①.
- Job or workplace of person in ①.
- Vehicle of person in ①.
- School of person in ①.
- Persons in ③.
- Children’s school or child care.
- Other (*specify*): _____

b. Exception to 14a:

The stay-away orders do not apply:

- (1) For you to exchange your children for court-ordered visits. You must do so briefly and peacefully.
- (2) For you to visit with your children for court-ordered contact or visits.
- (3) Other (*explain*): _____

15 **Order to Move Out**

You must move out immediately from (*address*):

16 **Other Orders**

17 **Orders for Minor Children**

The judge has granted orders regarding a child or children. The orders are included on **form DV-140**, and (*list other form*): _____

18 **Protect Animals**

- a. You must stay at least _____ yards away from the animals listed below.
- b. You must not take, sell, hide, molest, attack, strike, threaten, harm, get rid of, transfer, or borrow against the animals.
- c. The person in ① is given the sole possession, care, and control of the animals listed below.

Name (<i>or other way to ID animal</i>)	Type of animal	Breed (<i>if known</i>)	Color
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

This is a Court Order.



19 **Control of Property**

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

20 **Health and Other Insurance**

The person in ① in ② is ordered **not** to cash, borrow against, cancel, transfer, dispose of, or change the beneficiaries of any insurance or coverage held for the benefit of the parties, or their children, if any, for whom support may be ordered, or both.

21 **Record Communications**

The person in ① may record communications made by the person in ② that violate this order.

22 **Property Restraint**

The person in ① 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. (If the court granted the order in ⑬, the person in ② must not contact the person in ①. To notify the person in ① of new or big expenses, have a server mail or personally give the information to the person in ① or contact their lawyer, if they have one.)

23 **Pay Debts (Bills) Owed for Property**

a. You must make these payments until this order ends:

(1) Pay to: _____ For: _____ Amount: \$ _____ Due date: _____
(2) Pay to: _____ For: _____ Amount: \$ _____ Due date: _____
(3) Pay to: _____ For: _____ Amount: \$ _____ Due date: _____

b. The court finds that the debt or debts listed above in a(1) a(2) a(3) were the result of abuse in this case, and made without the person in ①'s agreement.

This is a Court Order.



24 **Pay Expenses Caused by the Abuse**

You must pay the following:

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

25 **Child Support**

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

26 **Spousal Support**

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

27 **Lawyer's Fees and Costs**

You must pay the following lawyer's fees and costs:

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

28 **Batterer Intervention Program**

- a. The person in **(2)** must go to and pay for a probation certified 52-week batterer intervention program and show proof of completion to the court.
- b. The person in **(2)** must enroll by (*date*): _____ or if no date is listed, must enroll within 30 days after the order is made.
- c. The person in **(2)** must complete, file, and serve [form DV-805](#), *Proof of Enrollment for Batterer Intervention Program*.

29 **Transfer of Wireless Phone Account**

The court has made an order transferring one or more wireless service accounts from you to the person in **(1)**. These orders are contained on [form DV-900](#), *Order Transferring Wireless Phone Account*.

This is a Court Order.



30 Service

- a. **No other proof of service is needed.** The people in ① and ② attended the hearing or agreed in writing to this order.
- b. **The person in ② did not attend the hearing.** Proof of service of form DV-109 and form DV-110 (if issued) was presented to the court. *(Check all that apply):*
 - (1) This order can be served by mail. The judge's orders in this form are the same as in form DV-110 except for the expiration date. The person in ② must be served, either by mail or in person.
 - (2) This order must be personally served. The judge's orders in this form are different from the orders in form DV-110, or form DV-110 was not issued. The person in ② must be personally served (given) a copy of this order.
 - (3) The court has scheduled a firearms and ammunition compliance hearing. The person in ① must have a copy of this order served on the person in ② by:
 - (A) Personal service by (date): _____
 - (B) Mail at the person in ②'s last known address by (date): _____
- c. **Proof of service of form FL-300 to modify the orders in form DV-130 was presented to the court.**
 - (1) The people in ① and ② attended the hearing or agreed in writing to this order. No other proof of service is needed.
 - (2) The person in ① in ② did not attend the hearing and must be personally served (given) a copy of this amended (modified) order.

31 No Fee to Serve (Notify) Restrained Person

The sheriff or marshal will serve this order for free.
Take a copy of all the papers that you need to be served to the sheriff or marshal.

32 Attached pages

All of the attached pages are part of this order.

a. Number of pages attached to this 10-page form: _____

b. Attachments include forms *(check all that apply):*

- DV-140 DV-900 FL-341(C) FL-342 FL-343 Other: _____

Judge's Signature

Date: _____

Judge or Judicial Officer

This is a Court Order.



Certificate of Compliance With VAWA

This restraining (protective) order meets all “full faith and credit” requirements of the Violence Against Women Act, 18 U.S.C. section 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.**

Instructions for Law Enforcement

Start Date and End Date of Orders

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

- The hearing date in item ⑤(a) on page 2; or
- The date next to the judge’s signature on this page.

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

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 sections 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 section 6383.)

Consider the restrained person “served” (notified) 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. (Family Code, section 6383; Penal Code section 836(c)(2).) An officer can obtain information about the contents of the order in the California Restraining and Protective Order System (CARPOS). (Family Code section 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. (Penal Code section 13710(b).)

This is a Court Order.



Orders for Minor Children

Orders for minor children are listed on form DV-140 or another attached form. If the judge made custody or visitation orders, look at items 13 and 14 of this order to see if the judge granted an exception for brief and peaceful contact with the person in 1 as needed to follow court-ordered visits. Conduct of the person in 2 that is not brief and peaceful is a violation of this order.

Enforcing the Restraining Order in California

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

Conflicting Orders—Priorities for Enforcement

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority (see Penal Code section 136.2 and Family Code sections 6383(h)(2), 6405(b)):

1. **EPO:** If one of the orders is an *Emergency Protective Order* (form EPO-001) and it is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. **No-Contact Order:** If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence in enforcement over any other restraining or protective order.
3. **Criminal Order:** If none of the orders include an EPO or a no-contact order, a criminal protective order (CPO) issued in a criminal case involving domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil restraining order that conflicts with the CPO. All orders in the civil restraining order that do not conflict with the CPO must be enforced.
4. **Family, Juvenile, or Civil Order:** If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

(The clerk will fill out this part.)

*Clerk's Certificate
[seal]*

—Clerk's Certificate—

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.

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

Draft - 3.22.22

Not approved by
the Judicial Council

1 Name of Protected Person: _____
 Relationship to children: Parent Legal Guardian Other (*describe*): _____

2 Name of Restrained Person: _____
 Relationship to children: Parent Legal Guardian Other (*describe*): _____

(*Check here to list a third parent or legal guardian and complete the section below.*)

Name _____ Relationship to child: _____

3 Children

a. Name: _____ Date of birth: _____
 b. Name: _____ Date of birth: _____
 c. Name: _____ Date of birth: _____
 d. Name: _____ Date of birth: _____
 e. Name: _____ Date of birth: _____

(*Check here if you need more space. Write "DV-105, Children" at the top and attach it to this form.*)

4 Child Custody

a. Legal Custody (*The person that makes decisions about the child's health, education, and welfare.*)

- Sole to Person in **1**
 Sole to Person in **2**
 Shared (held jointly) by persons in **1** and **2**.
 Other (*name*): _____

b. Physical Custody (*The person that the child regularly lives with.*)

- Sole to Person in **1**
 Sole to Person in **2**
 Shared (held jointly) by persons in **1** and **2**.
 Other (*name*): _____

5 No visitation (parenting time) with Person in **2 until further order of the court.**

(If this form is attached to form DV-110, *Temporary Restraining Order*, this means that the judge has stopped your right to visit with your children temporarily. If you do not agree with this order, attend your court hearing.)

This is a Court Order.



6 **Supervised (Monitored) Visitation**

- a. Person to be supervised: Person in **1** Person in **2** by: _____
- b. Nonprofessional (*name and relationship to child, if known*): _____
- c. Professional (*name, if known*): _____
- (1) Fees paid by: Person in **1** _____ % Person in **2** _____ % Other: _____ %
- (2) Person in **1** contact provider by (*date*): _____
 Person in **2** contact provider by (*date*): _____
- d. Provider's contact information, if known
 Address: _____
 Telephone: _____
- e. Schedule of supervised visits
- (1) Once a week, for (*number of hours*): _____
- (2) Twice a week, for (*number of hours*): _____ each visit.
- (3) Follow the Visitation Schedule listed in **8**, starting (*date*): _____
 Every week 1st and 3rd weeks of each month 2nd and 4th weeks of each month
 Other (*describe*): _____
- (4) Other schedule (*describe*): _____

7 **Supervised (Monitored) Child Exchanges** (*use item 9 to list visitation schedule*)

- a. Person to be supervised: Person in **1** Person in **2** by: _____
- b. Nonprofessional (*name and relationship to child*): _____
 Safe location for exchanges: _____
 (For more information on safe locations, go to selfhelp.courts.ca.gov/guide-supervised-visitation.)
- c. Professional (*list name, if known*): _____
- (1) Fees paid by: Person in **1** _____ % Person in **2** _____ % Other: _____ %
- (2) Person in **1** contact provider by (*date*): _____
 Person in **2** contact provider by (*date*): _____
- (3) Location of exchanges to be decided by provider.
- d. Provider's contact information, if known
 Address: _____
 Telephone: _____

This is a Court Order.



8 **Visits With No Supervision (Unmonitored)**

a. Person in **1** Person in **2** will visit with the children as follows:

b. Follow the Visitation Schedule listed in **9**, starting (date): _____

Every week 1st and 3rd weeks of each month 2nd and 4th weeks of each month

Other (describe): _____

c. Visitation schedule described below:

9 **Visitation Schedule for Person in 2**

	Time	Person to bring children to and from visit	Location of drop-off and pick-up
Monday	Start: _____ End, if applies: _____		
Tuesday	Start: _____ End, if applies: _____		
Wednesday	Start: _____ End, if applies: _____		
Thursday	Start: _____ End, if applies: _____		
Friday	Start: _____ End, if applies: _____		
Saturday	Start: _____ End, if applies: _____		
Sunday	Start: _____ End, if applies: _____		



10 **Other Orders**

(Describe additional orders or refer to an attachment (e.g. FL 341(C), Children's Holiday Schedule Attachment).)

11 **Stop Access to Children's School, Health, and Other Information**

a. The person in **2** must **not** have access to the records or information for:

- All the children listed in **3**.
 For only the children listed here (*name of each child*):

b. From the following (*check all that apply*):

- Medical, dental, and mental health providers
 School and daycare providers
 Extracurricular activity providers, including summer camps and sports
 Employers (including volunteer and unpaid positions)
 Other (*describe*):

12 **No Travel With Children Without Permission**

- Person in **1** Person in **2** Other (*name*):

must have written permission from the other parent, or a court order, to take the children outside of:

- a. State of California
b. United States
c. Other place(s) (*list*):

13 **Jurisdiction and Notice**

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 section 3400). The responding party was given notice consistent with the laws of the State of California.

14 **Country of Habitual Residence**

The country of habitual residence of the child or children in this case is The United States
or Other (*specify*):

15 **Penalties for Violating This Order**

If you violate this order, you may be subject to civil or criminal penalties, or both.



Orders to Prevent Child Abduction (Kidnapping)

16 Court Findings

There is a risk that the person in ② might take the children without permission because that parent:

- a. Has violated or threatened to violate a custody or visitation order.
- b. Does not have strong ties to California.
- c. Has done things recently that make it easy to take our children, like *(check all that apply)*:
- | | |
|---------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Quit a job | <input type="checkbox"/> Sold a home or ended a lease |
| <input type="checkbox"/> Closed a bank account | <input type="checkbox"/> Hid or destroyed documents |
| <input type="checkbox"/> Sold or gotten rid of property | <input type="checkbox"/> Applied for a passport, birth certificate, or school or medical records |
- d. Has a history of:
- | | |
|-------------------------------------------------|--------------------------------------------------------------------------------|
| <input type="checkbox"/> Abusing me | <input type="checkbox"/> Taking away or hiding our children from me |
| <input type="checkbox"/> Child abuse | <input type="checkbox"/> Threatening to take away or hide our children from me |
| <input type="checkbox"/> Abusing other partners | <input type="checkbox"/> Not cooperating with me in parenting |
- e. Has a criminal record
- f. Has strong ties in:
- Another county in California *(list county)*: _____
- Another state *(list states)*: _____
- Another country *(list country)*: _____
- g. Is a citizen of another country *(list country)*: _____

17 Turn In and Do Not Apply for Passports or Other Important Documents

Person in ② must not apply for passports or other documents that can be used for travel, like visas and birth certificates, and must turn in the following documents: _____

by *(date)* _____ to *(name)*: _____

18 Provide Travel Plan and Documents

Person in ② must give the person in ① the following before traveling with the children:

(Check all that apply.)

- Children's travel schedule
- Copies of round-trip airline tickets
- Addresses and telephone numbers where children can be reached
- An open airline ticket for the person in ① in case the children are not returned
- Other *(describe)*: _____



19 **Notify Other State of Travel Restrictions**

Person in **2** must register this order with *(list state)*: _____
before the children can travel to that state for visits.

20 **Do Not Move With Children Without Permission**

Person in **2** must not move with the children outside: This county California The United States

Other *(list)*: _____
without written permission from the person in **1** or a court order.

21 **Post a Bond**

Person in **2** must post a bond for \$ _____

22 **Notify Foreign Embassy or Consulate of Passport Restrictions**

Person in **2** must notify *(name of embassy or consulate)*: _____
of this order and provide the court with proof of the notice by *(date)*: _____

23 **Foreign Custody and Visitation Order**

Person in **2** must get a custody and visitation order equal to the most recent U.S. order before the child can travel to *(list country)*: _____ for visits.
The court recognizes that foreign orders may be changed or enforced depending on the laws of that country.

24 **Other Orders to Prevent Child Abduction**

Notice to Authorities in Other States and Countries

These orders are valid in other states and any country that has signed the Hague Convention on the Civil Aspects of Child Abduction. 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 section 3400) and the Hague Convention (42 U.S.C. section 11601 et seq.). If jurisdiction is based on other factors, they will be listed above in item **24**.

What is a “domestic violence restraining order”?

It is a court order that can help protect people who have been abused by someone they've had an intimate relationship with, are closely related to, or have lived with as more than just roommates.

How can 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 firearms (including "ghost guns"), firearm parts, or ammunition;
- Move out of your home;
- Obey child custody and visitation orders;
- Pay child support;
- Pay spousal support; and
- Obey orders about property.

Does this request cost money to file?

No, filing this request with the court is free.

How soon can I get the order?

The judge will decide within one business day whether to grant you a temporary restraining order. Sometimes the judge decides sooner.

How long can a restraining order last?

If the judge makes a temporary order, it will last until your hearing date (court date). At your hearing, the judge will decide whether to grant you a long-term restraining order that can last up to five years.

Do I have a court hearing (court date)?

Yes. You must attend court on the date the clerk gives you. If you do not, any order you have will end. If you want to attend remotely (by phone or videoconference), go to the court's website to find out how to attend remotely. To learn more about what to expect at your hearing, go to <https://selfhelp.courts.ca.gov/prepare-your-restraining-order-court-date> or read form DV-520-INFO, *Get Ready for Your Restraining Order Court Hearing*.

Am I eligible?

Not approved by Judicial Council

1 You are eligible if you want a restraining order against:

- Your spouse, ex-spouse, registered domestic partner, or ex-registered domestic partner;
 - Someone you have a child with;
 - Your parent, child, sibling, or grandparent (includes in-laws and step relationships);
 - Someone you live with or used to live with (more than just roommates);
- and

2 That person has been abusive.

Abuse can be spoken, written, or physical. It can be physical, sexual, or emotional. It includes threats to harm you or your family, stalking, harassment, destroying personal property, repeatedly contacting you, and disturbing your peace.

Disturbing your peace means destroy your mental or emotional calm. This can be done directly or indirectly, such as through someone else. This can also be done in any way, such as by phone, over text, or online. Disturbing the peace includes coercive control.

Coercive control means a number of acts that unreasonably limit the free will and individual rights of any person protected by this restraining order. It can also include reproductive coercion which means controlling someone's reproductive choices.

Examples of coercive control include:

- Isolating someone from their friends, relatives, or other support;
- Keeping them from food or basic needs;
- Controlling or keeping track of them, including their movements, contacts, actions, money, or access to services;
- Threats related to actual or suspected immigration status;
- Making them do something that they don't want to do by force, threat, or intimidation;
- Controlling or interfering with someone's contraception, including birth control and condoms; pregnancy or ability to become a parent; or access to related health information; and
- Using force, threat, or intimidation to pressure someone to be or not be pregnant.



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

There are other kinds of restraining orders you can ask for. Here are some examples:

- **Civil harassment order** (can be used for neighbors, roommates, cousins, uncles, and aunts).
- **Dependent adult or elder abuse restraining order** (if you are at least 65 or a dependent adult).
- **Gun violence restraining order** (to prevent someone from hurting themselves or others with a firearm). Note that all restraining orders include a firearms and ammunition restriction. A gun violence restraining order gives limited protection because it only restrains the person from having firearms and ammunition.

To learn more about other kinds of restraining orders, go to

<https://www.courts.ca.gov/selfhelp-abuse.htm>.

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.

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 without a court order or permission. If the judge granted child custody or other orders protecting your children, they would be listed on form DV-140, *Orders for Minor Children*.

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.

How do I ask for a domestic violence restraining order?

See [form DV-505-INFO](#), *How to Ask for a Domestic Violence Restraining Order?* The forms are available online at www.courts.ca.gov/forms. If you want a paper copy, go to any California courthouse. You can also check with your county's law library.

Do I need a lawyer to make this request?

No, but this type of request can be hard to get through on your own. Free help may be available at your local court's self-help center. (See below.)

Where can I find a self-help center?

Find your local court's self-help center at www.courts.ca.gov/selfhelp. Self-help center staff will not act as your lawyer but may be able to give you information to help you decide what to do in your case, and help you with the forms.

Where can I find other help?

The National Domestic Violence Hotline provides free and private safety tips. Help is available every day, 24 hours a day, and in over 100 languages. Visit online at www.thehotline.org or call 1-800-799-7233; 1-800-787-3224 (TTY).

Confidential Address Program

If you are a victim of domestic violence or live with a victim of domestic violence, there is a special program called Safe At Home that you can apply for. It is a free program that would help you keep your address private. To learn more about the program, go to: <https://www.sos.ca.gov/registries/safe-home/>. Note that it may take several weeks to be approved.



What if I need an interpreter?

If you decide to ask for a restraining order, you will need to talk to a judge. If you need an interpreter, use [form INT-300](#) to request an interpreter or ask the court clerk how you can request one.

Information about the court process is also available online

<https://selfhelp.courts.ca.gov/DV-restraining-order/process>.

I have a disability. How can I get help?

You may use [form MC-410](#) to request assistance. Contact the disability/ADA coordinator at your local court for more information.

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.courts.ca.gov/forms.htm for *Disability Accommodation Request* ([form MC-410](#)). (Civil Code [section 54.8](#).)

For more information on other steps of the process

- [Form DV-505-INFO, How to Ask for a Domestic Violence Restraining Order?](#)
- [Form DV-200-INFO, What Is "Proof of Personal Service"?](#)
- [Form DV-520-INFO, Get Ready For Your Restraining Order Court Hearing](#)
- [Form DV-530-INFO, How to Enforce Your Restraining Order](#)



Part 1: Which forms do I complete?

You will need to complete at least three forms to ask for a domestic violence restraining order:

Required forms:

- Form DV-100
- Form DV-109
- Form DV-110

If you have a child or children with the other side, you can ask for additional protection, like child custody orders. To make these requests, you must complete two more forms:

- Form DV-105
- Form DV-140

If you want to ask for child support or spousal support, make the request on form DV-100 (see item ②④ or ②⑤) and complete one more form:

- Form FL-150

Part 2: Tips for completing form DV-100

Required relationship

At item ③, you must have one of the listed relationships between you and the person you want protection from. If none apply, you do not qualify for a domestic violence restraining order. You may be eligible for another type of restraining order. Go to <https://www.courts.ca.gov/selfhelp-abuse.htm> for information on other types of restraining orders.

Describe the abuse

At items ⑤–⑦, you must describe the abuse that happened. This part is important, because a judge will decide whether to give you a restraining order based on the information you give.

Form DV-100 is a public document. What does "public" mean?

When you file papers with the court, those papers become "public." This means that anyone may ask the court to see the information you put on your papers. Also, the person you are asking for protection from will see all the information on your court papers, because you will have to have these papers personally delivered to the them. This is called "personal service" and more information is available on form DV-200-INFO, *What Is "Proof of Personal Service"?*

I don't want people to see my address.

You may not want someone to be able to see certain information, like your address. You do not have to give the address to where you live on form DV-100, item ①. You can use a different address, like a friend's address or P.O. Box. Just be sure to get the person's permission to use their address first, because any papers the court or other side mails to you will go to the address you list in item ①. And make sure that person will tell you right away if you get mail from the court.

I don't want people to see information I provide about a child (minor).

You can ask the court to make some of the information you provide about a child private (confidential). If the court makes information about a child private, the public will not be able to see this information on your court papers. See form DV-160-INFO for help with asking the court to make a child's information private.

How old must I be to ask for my own Restraining Order against someone?

To ask for a restraining order, you must be 12 years old or older. In some cases, the judge may ask that an adult (someone 18 years old or older), like your parent, help you in your case.



What if the other side has a gun or firearm?

In item 9 list information you have about any firearms that the other side might own or have access to. This information is important to the judge. The judge can notify law enforcement about any firearms, including illegal or untraceable firearms, called "ghost guns." Once notified, law enforcement must do what they can to get the firearms if there is a restraining order in place.

What does "Other orders" (item 1) mean?

This section allows you to make any special requests that you need to prevent more abuse by the other side.

What is the difference between "Pay Debts Owed for Property (item 2) and "Pay Expenses Caused by the Abuse (item 23)

If you want the other side to pay a debt owed for property, like a car or mortgage, you can make this request at item 22. If you want the other person to pay you back for damage that happened because of their abuse, like breaking your cellphone or for medical bills, you can make this request at item 23.

What is "Spousal Support" (item 25)

If you are married to the person you want protection from or in a registered domestic partnership, you can ask a judge to order them to pay you spousal support. The amount of spousal support depends on different factors, including how much you make versus how much the other side makes. It is important to know that in California, you cannot get spousal support for "common law" marriages, where parties have lived like a married couple but never legally married. California does not recognize "common law" marriage.

What is a "Batterer Intervention Program" (item 27)?

In most cases, it is a year-long program that helps a person recognize abusive behavior so that they will stop the abuse. If ordered to complete the program by a judge, the restrained person will have to pay program fees. The program will keep track of progress and attendance.

Part 3: File your court papers

Filing is when you turn in your completed court papers to the court. To file your court papers, you can call the court clerk to see find out which courthouse to go to. If you want to file online (e-file), check your local court's website for more information. To find your local court or their website, go to:

www.courts.ca.gov/find-my-court.htm.

Part 4: Get your papers from court

After you turn in your court papers, you will need to get them back from the court. Your papers will be ready the same day or the next business day. Look at your papers to see if the judge granted you a temporary restraining order, on form DV-110.

- If the judge **granted** you temporary protection and you want it to last longer, make sure you attend your court date (listed on form DV-109).
- If the judge **did not** grant you a temporary restraining order, the judge can grant you a restraining order at your court date (listed on form DV-109).

What is my next step?

You must have an adult personally give a copy of all your court papers to the person you want a restraining order against. It cannot be you or anyone listed on the restraining order. Serving papers can be a dangerous situation. If you want the sheriff to serve your papers, they will do so for free. For more information on service read, DV-200-INFO, *What Is "Proof of Personal Service"?*



What if I am worried about my safety?

If you are worried about your safety, especially if the judge did not grant you a temporary restraining order, the National Domestic Violence Hotline provides free and private safety tips. Help is available every day, 24 hours a day, and in over 100 languages. Visit online at www.thehotline.org or call 1-800-799-7233; 1-800-787-3224 (TTY).

For more information on other steps in the process

- Form DV-200-INFO, *What Is "Proof of Personal Service"?*
- Form DV-520-INFO, *Get Ready For Your Restraining Order Court Hearing*
- Form DV-530-INFO, *How to Enforce Your Restraining Order*

Information about the process is also available online

<https://selfhelp.courts.ca.gov/DV-restraining-order/process>.

Bring evidence or witnesses you have to your court hearing

Evidence: For any written evidence you have, you will need to make it available to the judge and other side. Evidence can include pictures, emails, medical records showing injuries, police reports, etc. Sometimes the judge cannot look at or consider certain documents. The judge will decide which documents can be included in your case. If you are attending court in person, bring three copies of your written evidence, if you have not already filed and served it on the other side. If you have evidence and want to attend your court date by phone or videoconference, contact your local self-help center for information on how to share your evidence with the judge and other side.

Witnesses: If you have witnesses, you can ask the judge to allow them to speak at your court hearing. If you have a lot of witnesses, you may need to complete paperwork before your court hearing. Ask your local self-help center for more information.

Plan what you want to say to the judge

It can help to plan out and make notes about what you want to say to the judge. You can read from your notes for your court hearing, if you need to. Read over the court papers in your case and write out anything else you want the judge to know. Focus on the facts and details that support your side of the story.

Go over any documents you got from the other side. If the other side served you with papers, make sure you go over the papers and understand what they are asking for and arguing in the case (their allegations). The judge will give you an opportunity to weigh in on the other side's arguments. Think about and write down how you want to defend against their arguments.

What if I have a child with the other side?

If you ask for child custody or visitation (parenting time) orders, the judge may have you meet with a court professional to see if you and the other parent can agree on parenting time. This process is called "mediation." You can ask to meet separately and not with the other side in your case. Ask the court staff how you can make this request. For more information on mediation, go to: www.selfhelp.courts.ca.gov/child-custody/what-to-expect-mediation.

Make arrangements before your court hearing

- Court interpreter**
If you need an interpreter, use [form INT-300](#) to request an interpreter or ask the court clerk how you can request one. You can also use this form to ask for an interpreter for a witness.
- Childcare:** Find childcare because court may take all morning or afternoon, even all day. Some courts have a Children's Waiting Room, a safe place for children to wait while parents are in court. You can check with your court in advance to see if this is available.
- Support person:** You can have someone attend court with you. The person you bring cannot speak for you but can sit next to you when your case is called (if you attend in person). If you attend by videoconference, your support person can also attend with you.
- Disability accommodation:** You may use [form MC-410](#) to request assistance. Contact the disability/ADA coordinator at your local court for more information.

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.courts.ca.gov/forms.htm for *Disability Accommodation Request* ([form MC-410](#)). (Civil Code section 54.8.)

Decide whether you want to attend your court hearing in person or remotely (by phone or videoconference)

To find out the options available in your local court, go to your local court's website. You can use www.courts.ca.gov/find-my-court.htm to find your court's website.



What to expect at your court hearing

Show up to the hearing early. If you are late, you may miss your case being called. If you may be late, try to call the court right away to let courtroom staff know that you will be late.

- If you attend in person, do not sit near or talk to the other person. If you are afraid of the other person, tell the officer.
- If you attend by videoconference, and you don't want the other side to see where you are or your phone number (if you call in), talk with an advocate about how to safely attend using videoconference. This may include using a virtual background or using another phone number to call in. You can contact the National Domestic Violence Hotline for free help. See page 3 for information.

Follow courtroom rules

Here are some common rules:

- Put your cellphone on silent mode.
- Do not eat or drink during your hearing, except for water.
- Do not wear a hat or sunglasses on your head.
- When speaking to the judge, call the judge "Your honor" or "judge."
- Don't interrupt anyone who is speaking.
- Wait until it's your turn to speak and let the judge know you want a chance to speak.

What if the judge rescheduled (continued) my court date?

There are many reasons why the judge may have rescheduled your court date. This is called a continuance. A common reason is that you did not serve the other side in time (by the deadline), which means you have to serve them before the new court date (usually at least five days before your new court date). Sometimes the judge needs to give you another court date because they need to set aside more time to hear your case. And, if the restrained person asks for more time to prepare for the case, the judge must grant their request if they ask for one at your first court date. If the judge does give you another court date, the judge will usually extend your temporary restraining order, if you were granted one. If the judge reschedules your court date, make sure you get a new order (form [DV-116](#)).

Present your case

The judge will give both sides time to speak

Usually, the judge asks the person who wants the restraining order to talk first. No matter who talks first, you will both get a chance to speak. Attending court can be difficult and stressful but it is important not to talk over anyone. If you have something to say and it is not your turn, let the person finish talking and then ask the judge for permission to speak.

The judge will make a decision

Once all evidence has been presented, the judge will decide whether to grant a long-term restraining order. A long-term restraining order can last up to five years and vary in length depending on the facts of each case.

- If the restraining order is **denied**, the restraining order case is finished. Any temporary restraining order that was granted should automatically expire right after your court date.
- If the restraining order is granted, you should go over the restraining order to make sure you understand all the orders.

What do I do after a restraining order is granted?

For the restrained person:

- You must obey orders the judge makes. The orders will be on form [DV-130](#). If you do not obey them, you could be arrested, or convicted of a crime.
- If you have any prohibited items (firearms, firearm parts, ammunition), you must bring all items to a licensed gun dealer or police. For more information, read [form DV-800-INFO/JV-270-INFO](#), *How Do I Turn In, Sell, or Store My Firearms, Firearm Parts, and Ammunition*. The information is also available online at: www.selfhelp.courts.ca.gov/respond-to-DV-restraining-order/obey-firearms-orders. Free help is also available at your local self-help center. Find your local court's self-help center at www.courts.ca.gov/selfhelp.



For the protected person:

If you've had your day in court and the judge granted you a long-term restraining order, you may have a couple more steps to take. Make sure all steps are completed as soon as possible. If you do not, the police may not be able to enforce your restraining order.

- ① Your restraining order will be on form DV-130. If you don't have a form DV-130 that is signed by the judge, you will need to fill out:
 - [Form DV-130](#) (required).
 - [Form DV-140](#) (required if court made orders for your children).
 - Form [FL-342](#), *Child Support Information and Order Attachment*, or form [FL-343](#), *Spousal, Domestic Partner, or Family Support Order Attachment*, if the judge orders child support and/or spousal support.
- ② Turn in your completed form or forms to the court. The clerk will then give it to the judge to review and sign. You will need to pick it up once it is signed. Ask the court clerk when your forms will be ready. There is no fee for turning in this form.
- ③ Look at form DV-130, *Restraining Order After Hearing*, to see if the judge ordered you to serve the form by mail or in person. If you are ordered to serve the form by mail, this means your server only has to mail a copy of the restraining order. But, serving someone in person is always best. When you mail court papers, it may be hard to prove that the person actually received a copy especially if the person moves a lot. Learn more about service at: <https://selfhelp.courts.ca.gov/DV-restraining-order/serve-longterm-order>.

What happens if I don't attend the court hearing?

- If you asked for the restraining order and you do not attend the hearing, your temporary restraining order will end and there may not be a hearing. The court could make other orders if the other side asks, even if the restraining order is not granted. To get another restraining order, you must fill out and file a new set of forms.
- If someone asked for a restraining order against you, and you do not attend the hearing, a judge may grant a restraining order against you without hearing your side. The order can last for up to five years, and can include orders regarding children or property that you have with the person asking for protection.

Where can I find a self-help center?

Find your local court's self-help center at www.courts.ca.gov/selfhelp. Self-help center staff will not act as your lawyer but may be able to give you information to help you decide what to do in your case.

Where can I find other help?

The National Domestic Violence Hotline provides free and private safety tips. Help is available every day, 24 hours a day, and in over 100 languages. Visit online at www.thehotline.org or call 1-800-799-7233; 1-800-787-3224 (TTY).

Information about the court process is also available online

<https://selfhelp.courts.ca.gov/DV-restraining-order/process>.

Report a violation to the police

Now that you have a restraining order, you may need to enforce it if the restrained person violates the order. Enforce usually means to call the police to report a violation. To have the police enforce your order, call 911. If the restrained person has guns, firearms, “ghost guns” (a gun that they made), or other weapons, make sure to tell the police.

What can the police do?

The police can arrest the restrained person for violating the restraining order. Based on your report of the violation, the district attorney or prosecutor can charge the restrained person with a crime. If you have questions about a case or whether a criminal case was filed, you can call the District Attorney's Office in your county, or the county where the violation happened. The restrained person can go to jail or pay a fine if convicted of violating your restraining order.

What form is my restraining order on?

Here are some examples:

- DV-130
- DV-110
- DV-730
- DV-116
- CPO-160
- EPO-001

Keep a copy of your restraining order with you

You should have a copy of your restraining order at all times. Make sure it is the **most recent** restraining order and still in effect (not expired). If you have more than one, have a copy of each one. If you have a cellphone, use your cellphone to take a picture of all the pages so you always have proof of it. If the restrained person was not at the court hearing, make sure you have a copy of the proof of service form too. The proof of service proves that the restrained person knows about the restraining order and must follow the order.

Give copies of the order to other people who may need it

If you want other people to know about your restraining order and help you enforce it, give them a copy.

Here are some examples:

- Your child's school or childcare, if your restraining order protects your child.
- Other people protected by your restraining order, when appropriate.
- Your employer, if you are worried about being harassed or abused at work.
- Local police department: You can give a paper copy to your local police department. This is optional because all law enforcement agencies have access to restraining orders through a law enforcement database.

What if the judge granted orders to protect my children?

You can give a copy of the restraining order to any place that your child will be. If the restrained person is not allowed to have access to your child's medical records, school records, or other information, make sure to let your child's providers know right away. It may be a good idea to change your passwords to any shared online accounts, and update your contact information with those providers.

Where can I find other help?

The National Domestic Violence Hotline provides free and private safety tips. Help is available every day, 24 hours a day, and in over 100 languages. Visit online at www.thehotline.org or call 1-800-799-7233; 1-800-787-3224 (TTY).

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Instructions

Who should complete this form?

- Restrained Person- pages 1 and 2
- Licensed Gun Dealer- page 3
- Law Enforcement-page 4

1 Protected Person

Name: _____

2 Restrained Persona. **Your name:** _____b. **ⓘ Address where you can receive court papers**

(This address could be used by the court and by the person in ① to send you official court dates, orders, and papers. For privacy, you may use another address like a post office box or another person's address, if you have their permission and can get your mail regularly. If you have a lawyer, give their information.)

Address: _____

City: _____ State: _____ Zip: _____

c. **ⓘ Your contact information (optional)**

(The court could use this information to contact you. If you don't want the person in ① to have this information, leave it blank or provide a safe phone number or email address. If you have a lawyer, give their information.)

Telephone: _____ Email Address: _____ Fax: _____

d. **Your lawyer's information (if you have one)**

Name: _____ State Bar No.: _____

Firm Name: _____

3 To the Respondent/Restrained Person

The court has ordered you to surrender all of your firearms, firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531), and ammunition, by turning them in to law enforcement or by selling them to or storing them with a licensed gun dealer. You may use this form to prove to the court that you have obeyed its orders. Ask the licensed gun dealer to complete item ⑥ or the law enforcement officer to complete item ⑦.

After the form is signed, make two copies. File the original with the court clerk. File a copy with the law enforcement agency that served you with the gun violence restraining order. Keep a copy for yourself. Failure to file a receipt with the court and with the law enforcement agency is a violation of the court's order. For help filling out this form, read *How Do I Turn In, Sell, or Store My Firearms?* (form DV-800-INFO/JV-720-INFO).

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

Case Number: _____

6 Licensed Gun Dealer

a. Name of Licensed Gun Dealer: _____
b. License number: _____
c. Address: _____
d. Telephone number: _____ Email address: _____

e. Date of transfer of firearms/ammunition: _____ at: _____ a.m. p.m.

f. Firearms and firearm parts

	Make	Model	Serial Number, if there is one	Sold	Stored
(1)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(2)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(3)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(4)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(5)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(6)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(7)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(8)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>

g. Ammunition

	Brand	Type	Amount	Sold	Stored
(1)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(2)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(3)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(4)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(5)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(6)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(7)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(8)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>

Check this box if more space is needed or to use a separate document to list all firearms or ammunition. Write "DV-800/JV-270, item 6" at the top, and attach it to this form.

h. I declare under penalty of perjury under the laws of the State of California that the information listed in 6 is true and correct.

Date: _____

Type or print your name



Signature of licensed gun dealer



7 Law Enforcement

- a. Name of Law Enforcement Agency: _____
- b. Name of Law Enforcement Agent: _____
- c. Address: _____
- d. Telephone number: _____ Email address: _____
- e. Date of transfer of firearms/ammunition: _____ at: _____ a.m. p.m.

f. Firearms and firearm parts

	Make	Model	Serial Number, if there is one	Stored	Seized
(1)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(2)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(3)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(4)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(5)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(6)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(7)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(8)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>

g. Ammunition

	<u>Brand</u>	<u>Type</u>	Amount	Stored	Seized
(1)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(2)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(3)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(4)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(5)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(6)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(7)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(8)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>

Check this box if more space is needed or to use a separate document to list all firearms or ammunition. Write "DV-800/JV-270, item 7" at the top, and attach it to this form.

h. I declare under penalty of perjury under the laws of the State of California that the information listed in 7 is true and correct.

Date: _____

Type or print your name

▶ _____
Signature of law enforcement agent

What do I need to turn in?

You must turn in all **firearms, firearm parts, and ammunition** that you have or control.



Firearms include any:

- Handgun
- Rifle
- Shotgun
- Assault weapon

Firearm parts include:

- Receivers
- Frames
- Unfinished receivers and frames, also called “ghost guns”

How do I turn in my firearms, firearm parts, and ammunition?

You must turn them in to a licensed gun dealer, or law enforcement. You must do so within 24 hours of being served with the restraining order. If you were just in court and the judge granted a restraining order against you, follow the judge's orders right away. If you don't, the judge may be required to notify law enforcement or the local prosecutor of your violation.

How do I sell my firearm?

You can only sell or transfer your firearm to a licensed gun dealer.

How do I store my firearm?

License gun dealers and law enforcement agencies can store firearms but not all of them do. Contact them to find out if they will store your firearms and ask how much the fee is.

How do I take my firearm to law enforcement?

Call your local law enforcement agency to ask about their procedures. They will give you specific instructions, like making sure your firearms are unloaded. Take a copy of the restraining order with you. **Do not** bring your firearms to court.

If I turn in my firearm to law enforcement, how long will they keep it?

It depends. There are procedures for getting your firearm back after a restraining order expires. Ask the law enforcement agency.

After I give my firearm to law enforcement, can I change my mind?

Yes. You are allowed to make one sale through a licensed gun dealer. To do this, a licensed gun dealer must present a bill of sale to your local law enforcement agency. The law enforcement agency will give the licensed gun dealer the firearm you are selling.

How do I prove to the judge that I have complied with the orders?

- ① Make sure you get a receipt from the licensed gun dealer or law enforcement for everything you turned in or sold. Bring a copy of form DV-800/JV-270, *Proof of Surrender of Firearms, Firearm Parts, and Ammunition*, with you and ask the dealer or officer to complete and sign the form.
- ② File the receipt with the court. Make sure you get two copies. All receipts must be filed with the court within 48 hours from the time you were served with the restraining order, unless the judge gave you another deadline.
- ③ Give a copy of your receipts to the law enforcement agency that served you the restraining order. If you don't know who served you with the restraining order, ask the court clerk for a copy of the proof of service form for the restraining order. The law enforcement agency is listed on that form.

This form is attached to (check one): DV-110 DV-116 Other: _____

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1 Restrained Person Has Prohibited Items

The court finds that you have firearms, firearm parts, or ammunition:

- Listed on form DV-110, *Temporary Restraining Order*
- Listed below:

a. Firearms and/or firearm parts

Description	Location, if known	Check here if proof of compliance was received
(1) _____	_____	<input type="checkbox"/>
(2) _____	_____	<input type="checkbox"/>
(3) _____	_____	<input type="checkbox"/>
(4) _____	_____	<input type="checkbox"/>
(5) _____	_____	<input type="checkbox"/>
(6) _____	_____	<input type="checkbox"/>

b. Ammunition

Description	Amount, if known	Location, if known	Check here if proof of compliance was received
(1) _____	_____	_____	<input type="checkbox"/>
(2) _____	_____	_____	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>
(5) _____	_____	_____	<input type="checkbox"/>
(6) _____	_____	_____	<input type="checkbox"/>

Check here to list additional items. List them on a separate piece of paper, write "DV-820, Restrained Person Has Prohibited Items" at the top, and attach it to this form.

2 Court Hearing to Review Firearms, Firearm Parts, and Ammunition Compliance

You must attend the court hearing listed below to prove that all prohibited items that you have or own were turned in, sold, or stored. If the judge listed any items in 1 of this order, this means that the judge has found that you have those items. If you do not attend the court hearing listed below, a judge may find that you have violated the restraining order and will notify law enforcement and a prosecuting attorney of the violation.

Name and address of court, if different than court address listed on the front of this order



Date: _____ Dept.: _____
 Time: _____ Room: _____

This is a Court Order.



3 **Restrained Person Has Not Complied With Surrendering Prohibited Items**

a. The court finds that you have not fully complied with the orders previously granted on *(date)*: _____
The court has not received a receipt or proof of compliance for all the items listed in **1**.

b. Notify Law Enforcement
The court will immediately notify the following law enforcement agency of this violation *(name of agency)*:

c. Notify Prosecutor
If you do not provide a receipt or proof of compliance within two days of today's hearing, by:
(date and time): _____, the court will notify the
(name of prosecuting agency): _____.

This is a Court Order.

Clerk stamps date here when form is filed.

**Draft-3.17.22
Not approved by
Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

This notice is provided to the agency or agencies listed below, as required by the Family Code.

1 Protected Party

Name: _____

2 Restrained Party

Name: _____

3 Restrained Party Has Not Complied with Surrendering Firearms, Firearm Parts, and Ammunition

The court has found that the person listed in **2** has guns, firearms, firearm parts, or ammunition in violation of a restraining order. The restraining order granted by the court is attached to this form.

(Check all that apply.)

a. Notice to Law Enforcement Agency *(name of agency or agencies):*

(Notice is provided pursuant to Family Code section 6306(f). The agency must take all actions necessary to obtain firearms and ammunition.)

b. Notice to Prosecuting Agency *(name of agency):* _____

(Notice is provided pursuant to Family Code section 6389(c)(4).)

4 Outstanding Warrant(s)

The court has found that the person listed in **2** has one or more outstanding warrants. The restraining order granted by the court is attached to this form. Notice of the warrant is provided to the agency listed below, as required by Family Code section 6306(e). The agency must take all actions necessary to execute the warrant(s).

Notice to Law Enforcement Agency *(name of agency):* _____

5 Additional Information

The court has conducted a background search pursuant to Family Code section 6306. In addition to the information provided above, the court is attaching the following information found in the background search.

(briefly describe information): _____

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

Judge's Signature

Date: _____

Judge or Judicial Officer



—Clerk's Certificate—

[seal]

I certify that I am not a party to this case and that a true copy of the *Noncompliance with Firearms and Ammunition Order, or Warrant* (form DV-830), was sent to the agency or agencies listed on page 1:

a. **Law enforcement agency listed in 3a**

(1) by fax, email, or other electronic means by mail

(2) *(Phone number, email address, or address):* _____

(3) Date of transmission or mailing: _____

(4) Transmitted or mailed from the courthouse listed on page 1.

b. **Prosecuting agency listed in 3b**

(1) by fax, email, or other electronic means by mail

(2) *(Phone number, email address, or address):* _____

(3) Date of transmission or mailing: _____

(4) Transmitted or mailed from the courthouse listed on page 1.

c. **Law enforcement agency listed in 4, if different than 3a**

(1) by fax, email, or other electronic means by mail

(2) *(Phone number, email address, or address):* _____

(3) Date of transmission or mailing: _____

(4) Transmitted or mailed from the courthouse listed on page 1.

Date: _____ Clerk, by _____, Deputy

DV-840/FL-840 Notice of Compliance Hearing for Firearms and Ammunition

Clerk stamps date here when form is filed.
Draft- 3.22.22
Not approved by the
Judicial Council

1 Protected Person (name): _____

2 Restrained Person (name): _____

3 Notice of Compliance Hearing

To the person in 2: The court has issued a domestic violence restraining order against you. You must attend the court hearing on the date and time listed below. At the hearing, you must prove that you have properly turned in, sold, or stored any firearms, firearm parts, or ammunition that you own or control, as required in the restraining order and listed below in 4.

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

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

Court fills in case number when form is filed.
Case Number:

4 No Guns, Other Firearms, Firearm Parts, or Ammunition

- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get any prohibited item listed below in b.
- b. Prohibited items are:
 - Firearms, including any handgun, rifle, shotgun, and assault weapon;
 - Firearm parts (receiver, frame, or unfinished receiver/frame as defined in Penal Code section 16531); and
 - Ammunition.
- c. Within 24 hours of receiving the domestic violence restraining order, you were required to sell to or store with a licensed gun dealer, or turn in to law enforcement, any prohibited items you had in your immediate possession or control.
- d. Within 48 hours of receiving the domestic violence restraining order, you were required to file a receipt with the court to prove that all prohibited items were turned in, sold, or stored. (You may use [form DV-800/JV-270](#), *Proof of Surrender of Firearms, Firearm Parts, and Ammunition*, for the receipt.)
- e. If a law enforcement officer served you with the restraining order, you were required to immediately surrender any prohibited items that you had if you were asked by the officer to do so. Within 48 hours of being served, you were required to file a receipt with the law enforcement agency that proved that all prohibited items were turned in, sold, or stored.



5 **Restrained Person Has Prohibited Items**

The court has found that you have firearms, firearm parts, or ammunition as listed below:

Firearms and/or firearm parts

Description	Location, if known	Proof of compliance received by the court
(1) _____	_____	<input type="checkbox"/>
(2) _____	_____	<input type="checkbox"/>
(3) _____	_____	<input type="checkbox"/>
(4) _____	_____	<input type="checkbox"/>

Ammunition

Description	Amount, if known	Location, if known	Proof of compliance received by the court
(1) _____	_____	_____	<input type="checkbox"/>
(2) _____	_____	_____	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>

Check here to list additional items. List them on a separate piece of paper, write "DV-840/FL-840, Restrained Person Has Prohibited Items" at the top, and attach it to this form.

6 **Restrained Person Has Not Complied With Surrendering Prohibited Items**

a. The court finds that you have not fully complied with the orders previously granted on *(date)*: _____
 The court has not received a receipt or proof of compliance for all the items listed in **5**.

b. **Notify Law Enforcement**

The court will immediately notify the following law enforcement agency of this violation (*name of agency*): _____

c. **Notify Prosecutor**

If you do not provide a receipt or proof of compliance by the deadline listed below, the court will notify the prosecutor listed below that you have violated the restraining order.

(1) *Deadline*: _____ (Deadline must be within two days of court's determination that the restrained person has one or more prohibited items.)

(2) (*Name of prosecuting agency*): _____

7 **Service**

The person in **2** does not have notice of these orders. The person in **1** must have the person in **2** served by:

a. Personal service by *(date)*: _____

b. Mail, at the person in **2**'s last known address by *(date)*: _____

Judge's Signature

Date: _____

Judge or Judicial Officer

EMERGENCY PROTECTIVE ORDER (See reverse for important notices.)

1. PROTECTED PERSONS (insert names of all persons protected by this Order):

Draft- 3.2.22

Not approved by Judicial Council

2. RESTRAINED PERSON (name):

Gender: M F X

Ht.: Wt.: Hair color: Eye color: Race: Age: Date of birth:

3. TO THE RESTRAINED PERSON:

- a. YOU MUST NOT harass, attack, strike, threaten, assault...
b. YOU MUST NOT contact, either directly or indirectly...
c. YOU MUST stay away at least...
d. YOU MUST NOT take any action...
e. YOU MUST NOT own, possess, purchase, receive, or attempt to purchase or receive any firearm...

4. (Name): is given temporary care and control of the following minor children of the parties (names and ages):

5. Order Expires on (date): at (time): EXPIRES ON THE 5TH COURT DAY OR 7TH CALENDAR DAY, WHICHEVER IS EARLIER. DO NOT COUNT THE DAY THE ORDER IS GRANTED

6. TO PROTECTED PERSON: To ask for a longer restraining order, ask for help at your local court. If there is an open juvenile case, file in that case. (Name and address of court):

7. Reasonable grounds for the issuance of this Order exist, and an emergency protective order is necessary to prevent the occurrence or recurrence of domestic violence, child abuse, child abduction, elder or dependent adult abuse, or stalking.

8. Judicial officer (name): granted this Order on (date): at (time):

APPLICATION

9. The events that caused the protected person to fear immediate and present danger of domestic violence, child abuse, child abduction, elder or dependent adult abuse (except solely financial abuse), or stalking are (give facts and dates; specify weapons):

10. Firearms or ammunition were (check all that apply): observed reported searched for seized

11. The persons in 1 and 2 live together. The person in 1 asks that the person in 2 immediately move out from the address in item 3c.

12. The person to be protected has minor children in common with the person to be restrained, and a temporary custody order is requested because of the facts alleged in item 9. A custody order does does not exist.

By: (PRINT NAME OF LAW ENFORCEMENT OFFICER) (SIGNATURE OF LAW ENFORCEMENT OFFICER)

Agency: Telephone No.: Badge No.:

PROOF OF SERVICE

13. I personally delivered (served) copies of this Order to the person named in 2 on: (date): at (time):

Address where person in 2 was served:

14. At the time of service, I was at least 18 years of age and not a party to this cause. I am a California law enforcement officer.

15. My name, address, and telephone number are (this does not have to be server's home telephone number or address):

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

Date: (TYPE OR PRINT NAME OF SERVER) (SIGNATURE OF SERVER)

**EMERGENCY PROTECTIVE ORDER
WARNINGS AND INFORMATION**

EPO-001

TO THE RESTRAINED PERSON: VIOLATION OF THIS ORDER IS A MISDEMEANOR PUNISHABLE BY A \$1,000 FINE, ONE YEAR IN JAIL, OR BOTH, OR IT MAY BE PUNISHABLE AS A FELONY. THIS PROTECTIVE ORDER SHALL BE ENFORCED BY ALL LAW ENFORCEMENT OFFICERS IN THE STATE OF CALIFORNIA WHO ARE AWARE OF OR SHOWN A COPY OF THE ORDER. THE TERMS AND CONDITIONS OF THIS ORDER REMAIN ENFORCEABLE REGARDLESS OF THE ACTS OF THE PARTIES; IT MAY BE CHANGED ONLY BY ORDER OF THE COURT (PENAL CODE SECTION 13710(b)).

YOU ARE PROHIBITED FROM OWNING, POSSESSING, PURCHASING, RECEIVING, OR ATTEMPTING TO PURCHASE OR RECEIVE ANY ITEM LISTED IN 3d. (PENAL CODE SECTIONS 29825(a), 30305(a).) A VIOLATION IS SUBJECT TO A \$1,000 FINE AND IMPRISONMENT OR BOTH. YOU MUST IMMEDIATELY SURRENDER THE ITEMS IN 3d IF ASKED BY LAW ENFORCEMENT. IF NOT ASKED BY LAW ENFORCEMENT TO IMMEDIATELY SURRENDER, YOU MUST TURN IN THE ITEMS IN 3d TO LAW ENFORCEMENT, OR SELL THEM TO, OR STORE THEM WITH, A LICENSED GUN DEALER WITHIN 24 HOURS OF RECEIVING THIS ORDER. PROOF OF SURRENDER, SALE, OR STORAGE MUST BE FILED WITH THE COURT WITHIN 48 HOURS OF RECEIPT OF THIS ORDER.

To the restrained person: This order will last until the date and time in item 5 on the reverse. The protected person may, however, obtain a more permanent restraining order from the court. You may seek the advice of an attorney on any matter connected with this order. The attorney should be consulted promptly so that the attorney may assist you in responding to the order.

A la persona bajo restricción judicial: Esta orden durará hasta la fecha y hora indicada en el punto 5 al dorso. La persona protegida puede, sin embargo, obtener una orden de entredicho (restricción judicial) más permanente de la corte. Usted puede consultar a un abogado en conexión con cualquier asunto relacionado con esta orden. Debe consultar al abogado inmediatamente para que él o ella le pueda ayudar a responder a la orden.

To the protected person: This order will last only until the date and time noted in item 5 on the reverse. If you wish to seek continuing protection, you will have to apply for an order from the court at the address in item 6. You may apply for a protective order free of charge. In the case of an endangered child, you may also apply for a more permanent order at the address in item 6, or if there is a juvenile dependency action pending, you may apply for a more permanent order under section 213.5 of the Welfare and Institutions Code. In the case of a child being abducted, you may apply for a *Child Custody and Visitation Order* from the court. You may seek the advice of an attorney on any matter connected with your application for any future court orders. The attorney should be consulted promptly so that the attorney may assist you in making your application. You do not have to have an attorney to get the protective order.

A la persona protegida: Esta orden durará sólo hasta la fecha y hora indicada en el punto 5 al dorso. Si usted desea que la protección continúe, tendrá que solicitar una orden de la corte en la dirección indicada en el punto 6. La solicitud de la orden de protección es gratis. En el caso de que un niño o una niña se encuentre en peligro, puede solicitar una orden más permanente en la dirección indicada en el punto 6, o si hay una acción legal pendiente de tutela juvenil, puede solicitar una orden más permanente conforme a la sección 213.5 del código titulado en inglés **Welfare and Institutions Code**. En el caso del secuestro de un niño o una niña, usted puede solicitar de la corte una orden para la guarda del niño o de la niña (*Child Custody and Visitation Order*). Puede consultar a un abogado en conexión con cualquier asunto relacionado con las solicitudes de órdenes de la corte que usted presente en el futuro. Debe consultar un abogado inmediatamente para que él o ella le pueda ayudar a presentar su solicitud. Para obtener la orden de protección no es necesario que un abogado le represente.

To law enforcement: The emergency protective order shall be served upon the restrained person by the officer, if the restrained person can reasonably be located, and a copy shall be given to the protected person. A copy shall be filed with the court as soon as practicable after issuance. Also, the officer shall have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice. The availability of an emergency protective order shall not be affected by the fact that the endangered person has vacated the household to avoid abuse. A law enforcement officer shall use every reasonable means to enforce an emergency protective order. A law enforcement officer who acts in good faith to enforce an emergency protective order shall not be held civilly or criminally liable.

If a child is in danger of being abducted: This order will last only until the date and time noted in item 5 on the reverse. You may apply for a child custody order from the court.

En el caso de peligro de secuestro de un niño o de una niña: Esta orden será válida sólo hasta la hora y fecha indicada en el punto 5 al dorso. Usted puede solicitar de la corte una orden para la guarda del niño o de la niña (*Child Custody and Visitation Order*).

This emergency protective order is effective when made. This order shall expire on the date and time specified in item 5 on the reverse. The provisions of this emergency protective order take precedence in enforcement over provisions of other existing protective orders between the same protected and restrained persons to the extent the provisions of this order are more restrictive. In other words, the provisions in this emergency protective order take precedence over the provisions in any other protective order, including a criminal protective order, if (1) the person to be protected is already protected by the other protective order, (2) the person to be restrained is subject to that other order, and (3) the provisions in this emergency order are more restrictive than the provisions in that other order. The provisions in another existing protective order remain in effect and take precedence if they are more restrictive than the provisions in this emergency protective order.