

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

455 Golden Gate Avenue
San Francisco, California 94102-3688

Report

TO: Members of the Judicial Council

FROM: Family and Juvenile Law Advisory Committee
Hon. Jerilyn L. Borack and Hon. Susan D. Huguenor, Cochairs
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DATE: April 3, 2009

SUBJECT: Family Law: Protection for Specified Animals (revise Judicial Council forms DV-100, DV-110, DV-120, DV-130, DV-170, DV-210-INFO, and DV-510-INFO) (Action Required)

Issue Statement

The proposed amendments to the Domestic Violence Prevention Act forms are in response to recently enacted legislation extending protections to specified animals.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective July 1, 2009, revise the following forms:

1. DV-100, *Request for Order*;
2. DV-110, *Temporary Restraining Order and Notice of Hearing*;
3. DV-120, *Answer to Temporary Restraining Order*;
4. DV-130, *Restraining Order After Hearing (Order of Protection)*;
5. DV-170, *Other Orders*;
6. DV-210-INFO, *What Is "Proof of Service"?*; and
7. DV-510-INFO, *I Filled Out the Forms—What Now?*

The revised forms are attached at pages 6–26.

Rationale for Recommendation

Effective January 1, 2008, Senate Bill 353 ([Kuehl] Stats. 2007, ch. 205) amended Family Code section 6320 to authorize courts to issue orders protecting any animal owned, possessed, leased, kept, or held by either the petitioner or the respondent or a minor child residing in the household. Under this amendment, the court can issue orders that (1) grant the petitioner the exclusive care, possession, or control of the animal, (2) require the respondent to stay away from the animal, and (3) forbid the respondent from taking, transferring, encumbering, concealing, molesting, attacking, striking, threatening, harming, or otherwise disposing of the animal. (Fam. Code, § 6320(b).)

SB 353 requires the Judicial Council to modify its forms consistent with Family Code section 6320 by July 1, 2009. (Fam. Code, § 6320(c).) The proposed amendments would add specific provisions to the *Request for Order* (form DV-100), *Temporary Restraining Order and Notice of Hearing* (form DV-110), *Answer to Temporary Restraining Order* (form DV-120), *Restraining Order After Hearing* (form DV-130), and *Other Orders* (form DV-170) to incorporate the additional protections afforded to animals under amended Family Code section 6320.

The text that is proposed to be added to all the forms would specify the number of yards that the restrained person is ordered to stay away from the protected animal and would recite the statutory language regarding the restraints, including transferring, encumbering, or harming the animal. In addition, item 13 of form DV-110 and item 5 of form DV-170 are intended to clarify that persons who are married or registered domestic partners are required to abide by the property restrictions of Family Code section 6325 if so ordered by the court. Specifically, if the court issues a temporary order restricting parties who are married or registered domestic partners from transferring or otherwise disposing of community, quasi-community, or separate property (in item 13 of DV-110 or item 5 of DV-170), the court's temporary grant to the petitioner of sole use, possession, and control of any specified animal (in item 14 of DV-110 or item 12 of DV-130) does not alter the community property restrictions; both parties are prohibited from transferring or otherwise disposing of the specified animal.

The proposal also includes proposed technical amendments to *What Is "Proof of Service"?* (form DV-210-INFO) to reflect changes to numerical references to form DV-110.

In addition, the proposal includes an unrelated technical amendment to form DV-510-INFO to eliminate a reference to formerly revoked form CH-101/DV-290.

Alternative Actions Considered

Aside from the particular considerations described below, the committee did not consider alternatives to amending the Domestic Violence Prevention Act forms because of the clear mandate of the new law.

Comments From Interested Parties

The proposal to implement SB 353 was circulated during the winter 2009 cycle as part of a larger proposal including forms to implement Assembly Bill 2553 (described below). A total of 29 comments were received. Of those, 7 agreed with the proposal, 16 agreed with the proposal if modified, 1 disagreed, and 5 did not take a position although they provided written comments. It is unclear in many instances whether the positions taken referred to forms implementing SB 353, AB 2553, or both. However, the vast majority of detailed comments were in response to the forms to implement AB 2553.

Protected Animals—SB 353

The proposal to add provisions to the forms to protect animals under amended Family Code section 6320 elicited several specific comments. Three commentators suggested that the protections for animals should be separated into two or three distinct provisions, including (1) possession and control, (2) stay away, and (3) prohibition on sale or transfer. One commentator stated that there may be some instances where a petitioner acquired an animal before the relationship with the respondent, would not believe that ownership is disputed, and would therefore be confused if the possession provision was automatically included in the animal protection provision. Another commentator stated that some courts would issue orders granting the petitioner possession and control of the animal without a stay-away order if, for example, the parties remain living together.

The committee considered these comments and concluded that it would be clearer to keep all of the animal protection orders together. Even if the petitioner does not think that ownership is disputed, the respondent might disagree and a disagreement about who has the ability to sell or transfer the animal, without a clear court order, could create confusion for the parties and law enforcement. In those relatively rare cases where the court issues personal conduct orders while the parties remain living together, the court can strike out the stay-away provision from the consolidated animal protection orders. Alternatively, the court can issue orders for possession and control of an animal under the property control provision in the form in lieu of the specific animal protection provision.

Three commentators asked for an additional blank line to provide more space to list multiple animals with their names and descriptions. Additionally, two of those commentators asked what kind of identifying information the court would be seeking. One of those commentators suggested that an instruction be provided. The committee considered these comments and agreed to add one line to provide more space for descriptions of the animals. However, an instruction about how to describe the animal would take up the limited space available and, on balance, is less important than

providing the additional space for description of the animals. Because the types of animals could range from a family cat to a herd of cattle, any instruction on the form would not necessarily be helpful or comprehensive.

After the public comment period, the Rules and Projects Committee asked the committee to consider two additions: (1) a prompt for the petitioner to indicate why the order is sought, and (2) a section for the petitioner to indicate why he or she is entitled to the animal. In response, the committee added a sentence to item 13 on form DV-100 for the petitioner to indicate why the order is sought. The petitioner's declaration would provide good cause for the court to issue the requested order.

The additional sentence in item 13 is broad enough to allow the petitioner to indicate why the order is sought as well as who owns, possesses, leases, or holds the animal. The statute gives the court authority to issue the requested order for any animal owned, possessed, leased, kept, or held by either the petitioner or the respondent or a minor child residing in the residence or household of either the petitioner or the respondent.

Right to Court Hearing—AB 2553

Effective January 1, 2009, Assembly Bill 2553 ([Solorio] Stats. 2008, ch. 263) adds section 6320.5 to the Family Code to require a court to state its reasons when denying a petition for an ex parte restraining order. In addition, if a court denies a jurisdictionally adequate petition for an ex parte order, the petitioner has a right to a noticed hearing within a specified number of days. The petitioner has the option of waiving his or her right to the noticed hearing and retains the right to refile a new petition, without prejudice, at a later time. New Family Code section 6320.5 requires the Judicial Council to create a new form to implement the statute by January 1, 2010.

The Invitation to Comment included several new and amended forms to implement Family Code section 6320.5. Due to the many substantive comments, the committee will propose revised forms to be circulated later in 2009 for submission to the Judicial Council with an effective date of January 1, 2010.

Additional Comments

The remaining comments generally exceed the scope of this proposal by addressing unrelated substantive and formatting aspects of the domestic violence restraining order forms. Because the Protective Order Forms Working Group¹ is currently undertaking a comprehensive review of *all* protective order forms, the committee has decided to forward the remaining comments to that group for further consideration.

¹ The Protective Order Forms Working Group was formed by the Judicial Council's Rules and Projects Committee to bring together members of the council's Family and Juvenile Law, Civil and Small Claims, Criminal Law, and Probate and Mental Health Advisory Committees, as well as the Domestic Violence Practice and Procedure Task Force, to jointly address issues relating to all protective order forms.

Implementation Requirements and Costs

Expected costs would be limited to making revised forms available for use by the courts and any associated judicial officer and court staff training.

Attachments

Clerk stamps date here when form is filed.

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Fill in court name and street address:

Superior Court of California, County of

Clerk fills in case number when form is filed.

Case Number:

1 Your name (person asking for protection):

Your address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):

City: _____ State: _____ Zip: _____

Your telephone number (optional): _____

Your lawyer (if you have one): (Name, address, telephone number, and State Bar number):

2 Name of person you want protection from:

Description of that person: Sex: M F Height: _____
Weight: _____ Race: _____ Hair Color: _____
Eye Color: _____ Age: _____ Date of Birth: _____

3 Besides you, who needs protection? (Family or household members):

Full Name	Age	Lives with you?	How are they related to you?
_____	_____	<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 here if you need more space. Attach Form MC-020 and write "DV-100, Item 3—Protected People" by your statement. NOTE: In any item that asks for Form MC-020, you can use an 8 1/2 x 11-inch sheet of paper instead.

4 What is your relationship to the person in 2? (Check all that apply):

- a. We are now married or registered domestic partners.
- b. We used to be married or registered domestic partners.
- c. We live together.
- d. We used to live together.
- e. We are relatives, in-laws, or related by adoption (specify relationship): _____
- f. We are dating or used to date.
- g. We are engaged to be married or were engaged to be married.
- h. We are the parents together of a child or children under 18:
 Child's Name: _____ Date of Birth: _____
 Child's Name: _____ Date of Birth: _____
 Child's Name: _____ Date of Birth: _____
- i. We have signed a Voluntary Declaration of Paternity for our child or children. (Attach a copy if you have one.)

This is not a Court Order.

Your name: _____

5 Other Court Cases

a. Have you and the person in ② been involved in another court case? No Yes

If yes, where? County: _____ State: _____

What are the case numbers? (If you know): _____

What kind of case? (Check all that apply):

Registered Domestic Partnership Divorce/Dissolution Parentage/Paternity Legal Separation

Domestic Violence Criminal Juvenile Child Support Nullity Civil Harassment

Other (specify): _____

b. Are there any domestic violence restraining/protective orders now (criminal, juvenile, family)?

No Yes *If yes, attach a copy if you have one.*

What orders do you want? Check the boxes that apply to your case.

6 Personal Conduct Orders

I ask the court to order the person in ② not to do the following things to me or any of the people listed in ③:

a. Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, or block movements

b. Contact (either directly or indirectly), or telephone, or send messages or mail or e-mail

The person in ② will be ordered not to take any action to get the addresses or locations of any protected person, their family members, caretakers, or guardians unless the court finds good cause not to make the order.

7 Stay-Away Order

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

a. Me

e. The children's school or child care

b. The people listed in ③

f. My vehicle

c. My home

g. Other (specify): _____

d. My job or workplace

If the person listed in ② is ordered to stay away from all the places listed above, will he or she still be able to get to his or her home, school, job, or place of worship? Yes No (If no, explain): _____

8 Move-Out Order

I ask the court to order the person in ② to move out from and not return to (address):

I have the right to live at the above address because (explain): _____

9 Child Custody, Visitation, and Child Support

I ask the court to order child custody, visitation, and/or child support. *You must fill out and attach Form DV-105.*

10 Spousal Support

You can make this request only if you are married to, or are a registered domestic partner of, the person in ② and no spousal support order exists. To ask for spousal support, you must fill out, file, and serve Form FL-150 before your hearing.

This is not a Court Order.



Your name: _____

11 **Record Unlawful Communications**

I ask for the right to record communications made to me by the person in **(2)** that violate the judge's orders.

12 **Property Control**

I ask the court to give *only* me temporary use, possession, and control of the property listed here:

13 **Animals: Possession and Stay-Away Order**

I ask for the sole possession, care, and control of the animals listed below. I ask the court to order the person in **(2)** to stay at least _____ yards away from and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of the following animals: _____

I ask for the animals to be with me because: _____

14 **Debt Payment**

I ask the court to order the person in **(2)** to make these payments while the order is in effect:

Check here if you need more space. Attach Form MC-020 and write "DV-100, Item 14—Debt Payment" by your statement.

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

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

15 **Property Restraint**

I am married to or have a registered domestic partnership with the person in **(2)**. I ask the judge to order that the person in **(2)** not borrow against, sell, hide, or get rid of or destroy any possessions or property, except in the usual course of business or for necessities of life. I also ask the judge to order the person in **(2)** to notify me of any new or big expenses and to explain them to the court.

16 **Attorney Fees and Costs**

I ask that the person in **(2)** pay some or all of my attorney fees and costs.
You must complete and file Form FL-150, Income and Expense Declaration.

17 **Payments for Costs and Services**

I ask that the person in **(2)** pay the following:

*You can ask for lost earnings or your costs for services caused directly by the person in **(2)** (damaged property, medical care, counseling, temporary housing, etc.). You must bring proof of these expenses to your hearing.*

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

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

18 **Batterer Intervention Program**

I ask the court to order the person listed in **(2)** to go to a 52-week batterer intervention program and show proof of completion to the court.

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

If you want the sheriff or marshal to serve (notify) the restrained person about the orders for free, ask the court clerk what you need to do.

This is not a Court Order.



Case Number: _____

Your name: _____

20 **More Time for Notice**

I need extra time to notify the person in (2) about these papers. Because of the facts explained on this form, I want the papers served up to _____ days before the date of the hearing. *For help, read Form DV-210-INFO. If necessary, add additional facts:* _____

21 **Other Orders**

What other orders are you asking for? _____

Check here if you need more space. Attach Form MC-020 and write "DV-100, Item 21—Other Orders" by your statement.

22 **Guns or Other Firearms**

I believe the person in (2) owns or possesses guns or firearms. Yes No I don't know
If the judge approves the order, the person in (2) will be required to sell to a gun dealer or turn in to police any guns or firearms that he or she owns or possesses.

23 Describe the most recent abuse.

- a. Date of most recent abuse: _____
- b. Who was there? _____
- c. What did the person in (2) do or say that made you afraid?

d. Describe any use or threatened use of guns or other weapons: _____

e. Describe any injuries: _____

f. Did the police come? No Yes
If yes, did they give you an Emergency Protective Order? Yes No I don't know
Attach a copy if you have one.

Check here if you need more space. Use Form MC-020 and write "DV-100, Item 23—Recent Abuse" by your statement.

Check here if the person in (2) has abused you (or your children) other times. Use Form DV-101 or Form MC-020 to describe any previous abuse.

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

Date: _____

Type or print your name

Sign your name

This is not a Court Order.

Clerk stamps date here when form is filed.

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Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Name of person asking for protection (protected person):

Protected person's address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):

City: State: Zip:

Telephone number:

Protected person's lawyer (if any): (Name, address, telephone number, and State Bar number):

2 Restrained person's name:

Description of that person: Sex: M F Height:

Weight: Race: Hair Color:

Eye Color: Age: Date of Birth:

3 List the full names of all family or household members protected by this order:

4 Court Hearing Date (Fecha de la Audiencia): Clerk will fill out section below.

Hearing Date box with fields for Date, Time, Dept., Rm., and Name and address of court if different from above.

To the person in 2: At the hearing, the judge can make restraining orders that last for up to 5 years. The judge can also make other orders about your children, child support, spousal support, money, and property.

Para la persona nombrada en 2: En esta audiencia el juez puede hacer que la orden de restricción sea válida hasta un máximo de 5 años. El juez puede también hacer otras órdenes acerca de niños, manutención, dinero y propiedad.

To the person in 1: At the hearing, the judge will consider whether denial of any orders will jeopardize your safety and the safety of children for whom you are requesting custody, visitation, and child support.

5 Temporary Orders (Ordenes Temporales)

Any orders made in this form end at the time of the court hearing in 4, unless a judge extends them.

Read this form carefully. All checked boxes and items 10 and 11 are court orders.

Todas las órdenes hechas en esta formulario terminarán en la fecha y hora de la audiencia en 4, al menos que un juez las extienda. Lea este formulario con cuidado. Todas las casillas marcadas y los artículos 10 y 11 son órdenes de la corte.

This is a Court Order.

Your name: _____

6 **Personal Conduct Orders**

The person in **(2)** must *not* do the following things to the protected people listed in **(1)** and **(3)**:

- a. Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, or block movements
- b. Contact (either directly or indirectly), or telephone, or send messages or mail or e-mail
 - Except for brief and peaceful contact as required for court-ordered visitation of children unless a criminal protective order says otherwise
- c. Take any action, directly or through others, to get the addresses or locations of any protected persons or of their family members, caretakers, or guardians. *(If item c is not checked, the court has found good cause not to make this order.)*

Peaceful written contact through a lawyer or through a process server or another person in order to serve legal papers is allowed and does not violate this order.

- A criminal protective order on Form CR-160 is in effect. Case Number: _____
County (if known): _____ Expiration Date: _____ *(If more orders, list them in item (17).)*

7 **Stay-Away Order**

The person in **(2)** must stay at least _____ yards away from:

- a. The person listed in **(1)**
- b. The people listed in **(3)**
- c. Home Job Vehicle of person in **(1)**
- d. The children’s school or child care
- e. Other (specify): _____

8 **Move-Out Order**

The person in **(2)** must take only personal clothing and belongings needed until the hearing and move out immediately from (address): _____

9 **Child Custody and Visitation Order**

- a. You and the other parent must make an appointment for court mediation (address and phone number): _____
- b. Follow the orders listed in Form DV-140, which is attached.

10 **No Guns or Other Firearms or Ammunition**

The person in **(2)** cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, firearms, or ammunition.

11 **Turn in or sell guns or firearms.**

The person in **(2)**:

- Must sell to a licensed gun dealer or turn in to police any guns or firearms that he or she has or controls. This must be done within 24 hours of being served with this order.
- Must bring a receipt to the court within 48 hours of being served with this order, to prove that guns and firearms have been turned in or sold.

12 **Property Control**

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

This is a Court Order.

Your name: _____

13 **Property Restraint**

If the people in ① and ② are married to each other or are registered domestic partners, they must not transfer, borrow against, sell, hide, or get rid of or destroy any property, including animals, except in the usual course of business or for necessities of life. In addition, each person must notify the other of any new or big expenses and explain them to the court. *(The person in ② cannot contact the person in ① if the court has made a “no contact” order.)*

14 **Animals: Possession and Stay-Away Order**

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

15 **Unlawful communications may be recorded.**

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

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

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

17 **Other Orders** *(specify):* _____

18 If the judge makes a restraining order at the hearing, which has the same orders as in this form, the person in ② will get a copy of that order by mail at his or her last known address. *(Write restrained person’s address here):*

If this address is not correct, or to know if the orders were made permanent, contact the court.

19 **Time for Service**

A To: Person Asking for Order

Someone 18 or over—**not you or the other protected people**—must personally “serve” a copy of this order to the restrained person at least _____ days before the hearing.

B To: Person Served With Order

If you want to respond in writing, someone 18 or over—**not you**—must “serve” Form DV-120 on the person in ①, then file it with the court at least _____ days before the hearing.

For help with Service or answering, read Form DV-210-INFO or DV-540-INFO.

Date: _____

Judge (or Judicial Officer)

Certificate of Compliance With VAWA

This temporary protective order meets all Full Faith and Credit requirements of the Violence Against Women Act, 18 U.S.C. § 2265 (1994) (VAWA) upon notice of the restrained person. This court has jurisdiction over the parties and the subject matter; the restrained person has been or will be afforded notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. **This order is valid and entitled to enforcement in each jurisdiction throughout the 50 United States, the District of Columbia, all tribal lands, and all U.S. territories, commonwealths, and possessions and shall be enforced as if it were an order of that jurisdiction.**

This is a Court Order.



Your name: _____

Warnings and Notices to the Restrained Person in 2**20 If you do not obey this order, you can be arrested and charged with a crime.**

- It is a felony to take or hide a child in violation of this order. You can go to prison and/or pay a fine.
- If you travel to another state or to tribal lands or make the protected person do so, with the intention of disobeying this order, you can be charged with a federal crime.
- If you do not obey this order, you can go to prison and/or pay a fine.

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

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, firearms, and/or ammunition while the order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to a gun dealer or turn in to police any guns or firearms that you have or control. The judge will ask you for proof that you did so. If you do not obey this order, you can be charged with a crime. Federal law says you cannot have guns or ammunition if you are subject to a restraining order made after a noticed hearing.

22 After You Have Been Served With a Restraining Order

- Obey all the orders.
- If you want to answer, fill out *Answer to Temporary Restraining Order* (Form DV-120). Take it to the court clerk with the forms that apply to your case.
- File DV-120 and have all papers served on the protected person by the date listed in item 19 of this form.
- At the hearing, tell the judge if you agree or disagree with the orders requested.
- Even if you do not attend the hearing, the judge can make the restraining orders last for 5 years.

23 Child Custody, Visitation, and Support

- **Child Custody and Visitation:** If you do not go to the hearing, the judge can make custody and visitation orders for your children without hearing your side.
- **Child Support:** The judge can order child support based on the income of both parents. The judge can also have that support taken directly from your paycheck. Child support can be a lot of money, and usually you have to pay until the child is 18. File and serve a *Financial Statement* (Form FL-155) or an *Income and Expense Declaration* (Form FL-150) so the judge will have information about your finances. Otherwise, the court may make support orders without hearing your side.
- **Spousal Support:** File and serve a *Financial Statement* (Form FL-155) or an *Income and Expense Declaration* (Form FL-150) so the judge will have information about your finances. Otherwise, the court may make support orders without hearing your side.

24 Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk's office or go to www.courtinfo.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Order* (Form MC-410). (Civil Code, § 54.8.)

This is a Court Order.

Your name: _____

Instructions for Law Enforcement**25 Start Date and End Date of Orders**

The start date is the date next to the judge’s signature on page 3. The orders end on the hearing date on page 1 or the hearing date on Form DV-125, if attached.

26 Arrest Required If Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Penal Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6.

27 Notice/Proof of Service

Law enforcement must first determine if the restrained person had notice of the orders. If notice cannot be verified, the restrained person must be advised of the terms of the orders. If the restrained person then fails to obey the orders, the officer must enforce them. (Family Code, § 6383.)

Consider the restrained person “served” (noticed) if:

- The officer sees a copy of the *Proof of Service* or confirms that the *Proof of Service* is on file; or
- The restrained person was at the restraining order hearing or was informed of the order by an officer. (Fam. Code, § 6383; Pen. Code, § 836(c)(2).) An officer can obtain information about the contents of the order in the Domestic Violence Restraining Orders System (DVROS). (Fam. Code, § 6381(b)(c).)

28 If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, the orders remain in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The orders can be changed only by another court order. (Pen. Code, § 13710(b).)

29 Child Custody and Visitation

- Custody and visitation orders are on Form DV-140, items ③ and ④. They are sometimes also written on additional pages or referenced in DV-140 or other orders that are not part of the restraining order.
- **Forms DV-100 and DV-105 are not orders. Do not enforce them.**

30 Enforcing the Restraining Order in California

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

31 Conflicting Orders

A protective order issued in a criminal case on Form CR-160 takes precedence in enforcement over any conflicting civil court order. (Pen. Code, § 136.2(e)(2).) Any nonconflicting terms of the civil restraining order remain in full force. An emergency protective order (Form EPO-001) that is in effect between the same parties and is more restrictive than other restraining orders takes precedence over all other restraining orders.

Clerk’s Certificate

[seal]

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

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

Clerk stamps date here when form is filed.

DRAFT 6
03/03/09 xyz
Do Not Distribute

- 1 Name of person who asked for the order (protected person):
2 Your name:
Your address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):
City: State: Zip:
Your telephone (optional):
Your lawyer (if you have one): (Name, address, telephone number, and State Bar number):

Fill in court name and street address:

Superior Court of California, County of

Clerk fills in case number:

Case Number:

Give the judge your answers to DV-100:

- 3 Personal Conduct Orders
I do do not agree to the order requested.
4 Stay-Away Order
I do do not agree to the order requested.
5 Move-Out Order
I do do not agree to the order requested.
6 Child Custody
a. I do do not agree to the custody order requested.
b. I am not the parent of the child listed in DV-105.
c. I ask for the following custody order (specify):
d. I do do not agree to the orders requested to prevent child abduction.

The judge can consider your Answer at the hearing. Write your hearing date and time here:

Hearing Date
Date: Time:
Dept.: Room:

You must obey the orders until the hearing. If you do not come to this hearing, the judge can make the orders last for 3 years or longer.

- 7 Visitation
a. I do do not agree to the visitation order requested.
b. I ask for the following visitation order (specify):
8 Child Support
a. I do do not agree to the order requested.
b. I agree to pay guideline child support.
You must fill out, serve, and file Form FL-150 or FL-155.
9 Spousal Support
I do do not agree to the order requested.
Whether or not you agree, you must fill out, serve, and file Form FL-150.

Your name: _____

- 10** **Property Control**
 I do do not agree to the order requested.
*If you have other requests, list them in **20** below.*
- 11** **Debt Payment**
 I do do not agree to the order requested.
*If you have other requests, list them in **20** below.*
- 12** **Property Restraint**
 I do do not agree to the order requested.
*If you have other requests, list them in **20** below.*
- 13** **Attorney Fees and Costs**
 I do do not agree to the order requested.
- 14** **Payments for Costs and Services**
 I do do not agree to the order requested.
- 15** **Animals**
 I do do not agree to the order requested.
- 16** **Batterer Intervention Program**
 I do do not agree to the order requested.
- 17** **Other Orders** (see item 21 on Form DV-100)
 I do do not agree to the orders requested.
- 18** **Turn in guns or other firearms.**
 a. I do not own or have any guns or firearms.
 b. I have have not turned in my guns and firearms to the police or a licensed gun dealer.
 c. A copy of the receipt is attached. has already been filed with the court.
You must file a receipt with the court within 48 hours after being served with temporary orders.
- 19** **I ask the court to order payment of my**
 a. Attorney fees
 b. Out-of-pocket expenses because the temporary restraining order was issued without enough supporting facts. The expenses are:
 Item: _____ Amount: \$ _____ Item: _____ Amount: \$ _____
You must fill out, serve, and file Form FL-150.
- 20** **My Answer to the Statements in DV-100 and Other Requests**
Please attach your statement. Write "DV-120, Item 20—More Information" at the top. Be specific.
- 21** 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

Clerk stamps date here when form is filed.

Draft 10
04/07/09 xyz
Not approved by the
Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Protected person's name:

[Empty box for name]

(first) (middle) (last)

Protected person's address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):

City: State: Zip:

Telephone number (optional):

Lawyer (if any): (Name, address, telephone number, and State Bar number):

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

[Empty lines for names]

3 Restrained person's name:

[Empty box for name]

(first) (middle) (last)

Description of that person: Sex: [] M [] F Height: Weight: Race:
Hair Color: Eye Color: Age: Date of Birth:
Relationship to protected person:

4 The court orders are on pages 2 and 3 and attachment pages (if any).

The hearing was on (date): with (name of judicial officer):

The orders end on (date): at (time):

- If no end date is written, the restraining order ends 3 years after the date of the hearing.
If no time is written, the restraining order ends at midnight on the end date.
Note: Custody, visitation, child support, and spousal support orders have different end dates. Custody, visitation, and child support orders usually end when the child is 18.

5 [] The people in 1 and 3 must return to court/department on (date):
at (time): [] a.m. [] p.m. to review (specify issues):

Certificate of Compliance With VAWA

This protective order meets all Full Faith and Credit requirements of the Violence Against Women Act, 18 U.S.C. § 2265 (1994) (VAWA). This court has jurisdiction over the parties and the subject matter; the restrained person has been afforded reasonable notice and an opportunity to be heard as provided by the laws of this jurisdiction. This order is valid and entitled to enforcement in each jurisdiction throughout the 50 United States, the District of Columbia, all tribal lands, and all U.S. territories, commonwealths, and possessions and shall be enforced as if it were an order of that jurisdiction.

This is a Court Order.

Your name: _____

6 **Personal Conduct Orders**

The person in **3** must **not** do the following things to the protected people listed in **1** and **2** :

- a. Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, or block movements
- b. Contact (either directly or indirectly), telephone, or send messages or mail or e-mail
 - Except for brief and peaceful contact as required for court-ordered visitation of children unless a criminal protective order says otherwise
- c. Take any action, directly or through others, to get the addresses or locations of any protected persons or of their family members, caretakers, or guardians. *(If item c is not checked, the court has found good cause not to make this order.)*

Peaceful written contact through a lawyer or through a process server or another person in order to serve legal papers is allowed and does not violate this order.

A criminal protective order on Form CR-160 is in effect. Case Number: _____
 County (if known): _____ Expiration Date: _____ *(If more orders, list them in item 18.)*

7 **Stay-Away Order**

The person in **3** must stay at least _____ yards away from:

- a. The person listed in **1**
- b. The people listed in **2**
- c. Home Job Vehicle of person in **1**
- d. The children's school or child care
- e. Other (specify): _____

8 **Move-Out Order**

The person in **3** must move out immediately from (address): _____

9 **Child Custody and Visitation**

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

10 **Child Support**

Child support is ordered on the attached Form DV-160 or (specify other form): _____

11 **Spousal Support**

Spousal support is ordered on the attached Form FL-343 or (specify other form): _____

12 **Animals: Possession and Stay-Away Order**

The person in **1** is given the sole possession, care, and control of the animals listed below. The person in **3** must stay at least _____ yards away from and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of the following animals: _____

13 **No Guns or Other Firearms or Ammunition**

The person in **3** cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, firearms, or ammunition.

This is a Court Order.



Your name: _____

14 Turn in or sell guns and firearms.The person in **3**:

- Must sell to a licensed gun dealer or turn in to police any guns or firearms that he or she has or controls. This must be done within 24 hours of being served with this order.
- Must bring a receipt to the court within 48 hours of being served with this order, to prove that guns and firearms have been turned in or sold.

15 Record Unlawful CommunicationsThe person in **1** has the right to record communications made by the person in **3** that violate the judge's orders.**16 Batterer Intervention Program**The person in **3** must go to and pay for a 52-week batterer intervention program and show written proof of completion to the court. This program must be approved by the probation department.**17 No Fee to Notify (Serve) Restrained Person**

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

18 Other OrdersOther orders relating to property control, debt payment, attorney fees, restitution, and/or other issues are in attached Form DV-170 or (*specify other form*): _____**19 Service**

- a. The people in **1** and **3** were at the hearing or agreed in writing to this order. No other proof of service is needed.
- b. The person in **1** was at the hearing. The person in **3** was not.
- (1) Proof of service of Form DV-110 was presented to the court. The judge's orders in this form are the same as in Form DV-110 except for the end date. The person in **3** must be served. This order can be served by mail.
- (2) Proof of service of Form DV-110 was presented to the court. The judge's orders in this form are different from the orders in Form DV-110. Someone—not the people in **1** or **2**— must personally "serve" a copy of this order to the person in **3**.

20 Attached pages are orders.

- Number of pages attached to this 5-page form: _____
- All of the attached pages are part of this order.
- Attachments include (*check all that apply*):
 - DV-140 DV-145 DV-150 DV-160 DV-170 FL-343
 - Other (*specify*): _____

Date: _____

▶ _____
Judge (or Judicial Officer)

This is a Court Order.

Your name: _____

Instructions for Law Enforcement**21 Start Date and End Date of Orders**

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

- The hearing date on page 1 *or*
- The date next to the judge’s signature on page 3.

The orders *end* on the end date in item 4 on page 1. If no end date is listed, they end 3 years from the hearing date.

22 Arrest Required If Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Penal Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6.

23 Notice/Proof of Service

Law enforcement must first determine if the restrained person had notice of the orders. If notice cannot be verified, the restrained person must be advised of the terms of the orders. If the restrained person then fails to obey the orders, the officer must enforce them. (Family Code, § 6383.)

Consider the restrained person “served” (noticed) if:

- The officer sees a copy of the *Proof of Service* or confirms that the *Proof of Service* is on file; *or*
- The restrained person was at the restraining order hearing or was informed of the order by an officer. (Fam. Code, § 6383; Pen. Code, § 836(c)(2).) An officer can obtain information about the contents of the order in the Domestic Violence Restraining Orders System (DVROS). (Fam. Code, § 6381(b)(c).)

24 If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, the orders remain in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The orders can be changed only by another court order. (Pen. Code, § 13710(b).)

25 Child Custody and Visitation

- The custody and visitation orders are on Form DV-140, items ③ and ④. They are sometimes also written on additional pages or referenced in DV-140 or other orders that are not part of the restraining order.
- **Forms DV-100 and DV-105 are not orders. Do not enforce them.**

26 Enforcing the Restraining Order in California

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

27 Conflicting Orders

A protective order issued in a criminal case on Form CR-160 takes precedence in enforcement over any conflicting civil court order. (Pen. Code, § 136.2(e)(2).) Any nonconflicting terms of the civil restraining order remain in full force. An emergency protective order (Form EPO-001) that is in effect between the same parties and is more restrictive than other restraining orders takes precedence over all other restraining orders. (Pen. Code, § 136.2.)

This is a Court Order.

Your name: _____

Warnings and Notices to the Restrained Person in ③

28 If you do not obey this order, you can be arrested and charged with a crime.

- It is a felony to take or hide a child against this order. You can go to prison and/or pay a fine.
- If you travel to another state or to tribal lands or make the protected person do so, with the intention of disobeying this order, you can be charged with a federal crime.
- If you do not obey this order, you can go to prison and/or pay a fine.

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



You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, firearms, and/or ammunition while the order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to a licensed gun dealer or turn in to police any guns or firearms that you have or control. The judge will ask you for proof that you did so. If you do not obey this order, you can be charged with a crime. Federal law says you cannot have guns or ammunition while the order is in effect.

(Clerk will fill out this part)

—Clerk's Certificate—

[seal]

I certify that this *Restraining Order After Hearing (Order of Protection)* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

DV-170

Other Orders

Case Number:

[X] This form is attached to Form DV-130, Restraining Order After Hearing (Order of Protection).

1 Protected person's name: _____

2 Restrained person's name: _____

3 [] Property Control

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

4 [] Debt Payment

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

[] Check here if you need more space. Attach Form MC-020 or a sheet of paper and write "DV-170, Item 4—Debt Payment" at the top.

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

5 [] Property Restraint

The people in 1 and 2 must not transfer, borrow against, sell, hide, or get rid of any property, including animals, except in the usual course of business or for the necessities of life. In addition, each person must notify the other of any new or big expenses and explain them to the court. (The person in 2 cannot contact the person in 1 if the court has made a "no contact" order.)

6 [] Attorney Fees and Costs

The person in 2 must pay the following lawyer fees and costs:

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

7 [] Payments for Costs and Services

The person in 2 must pay the following:

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

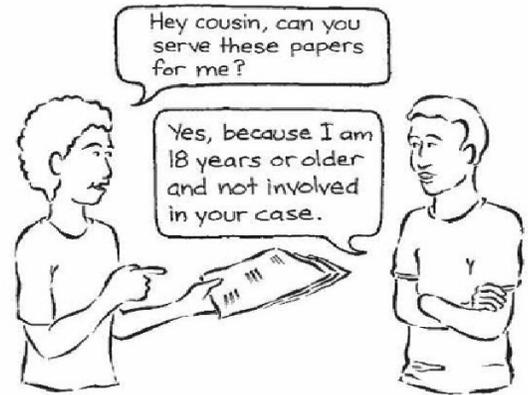
8 Other Orders

This is a Court Order.

What is “service”?

There are many kinds of service—in person, by mail, and others. This form is about “in-person service.” The *Temporary Restraining Order* (Form DV-110) and the *Request for Order* (Form DV-100) must be served “in person.” That means someone—not you or anyone else protected by the order—must personally “serve” (give) the restrained person a copy of the forms. Service lets the other person know:

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



Who can serve?

Ask someone you know, a process server, or law enforcement to personally “serve” (give) a copy of the order to the restrained person. You **cannot** send it by mail.

The server must:

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



Don't serve it by mail!

The sheriff or marshal is authorized to serve the orders for **free**, but you have to ask.

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

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



How to Serve

Ask the server to:

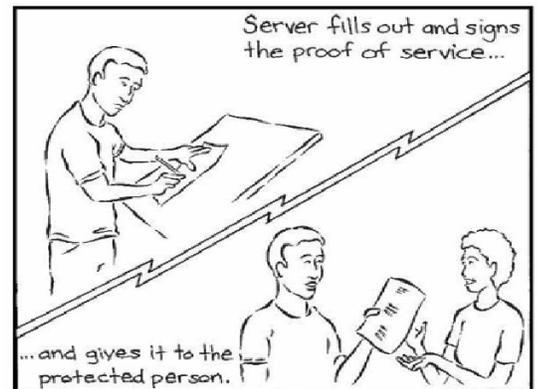
- Walk up to the person to be served.
- Make sure it’s the right person. Say the person’s name: “Are you John Doe?” or “Hi, John Doe.”
- Give copies of all papers checked on Form DV-200.
- Fill out and sign the *Proof of Service* form (DV-200).
- Give the signed *Proof of Service* to you.

What if the person won’t take the papers or tears them up?

- If the person won’t take the papers, just leave them near the person.
- It doesn’t matter if the person tears them up.

Who signs the *Proof of Service*?

Only the person who serves the orders can sign the *Proof of Service*. You do not sign Form DV-200. The restrained person does not sign this form.



When do the orders have to be served?

It depends. To know the exact date, you have to look at two things on Form DV-110:

First, look at the hearing date on page 1 of Form DV-110. Next, look at the number of days written in 19 on page 3.

4 Court Hearing Date (*Fecha de la Audie*)
Clerk will fill out section below.

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

To the person in 2: At the hearing, the judge can also make other orders about your children. If you want the orders against you, file and serve them.

19 Time for Service

A To: Person Asking for Order

Someone 18 or over—**not you or the other protected people**—must personally “serve” a _____ days before the hearing.

For help with Service

Look at a calendar. Subtract the number of days in 19 from the hearing date. That’s the final date to have the orders served. It’s always OK to serve earlier than that date.

If nothing is written in 19, follow these rules:

- If the restrained person was notified that you asked for temporary orders, you have 15 days before the hearing.
- If the restrained person was not notified that you asked for temporary orders, you have 5 days before the hearing.

Why do I have to get the orders served?

- The **police cannot arrest** anyone for violating an order **unless** the restrained person knows about the order.
- The **judge cannot make the orders permanent** unless the restrained person was served.

What happens if I can’t get the orders served before the hearing date?

Before your hearing, fill out and file the *Reissue Temporary Restraining Order* (Form DV-125). This form asks the judge for a new hearing date and makes your orders last until then. Ask the clerk for the form.

You **must** attach a copy of Form DV-125 to a copy of your original order. That way, the police will know your orders are still in effect. And the restrained person will be served with notice of the new hearing date. For more information on getting a new hearing date, read Form DV-126-INFO.

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

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

- Make at least 5 copies.
- File the original *Proof of Service* (Form DV-200) with the court at least 2 days before your hearing.
- The clerk will send it to CLETS, a statewide computer system that lets police know about your order.
- Bring a copy of the *Proof of Service* to your hearing.
- Always keep an extra copy with you for your safety.

If the sheriff serves the orders, he or she will send the *Proof of Service* to the court and CLETS for you.

DV-510-INFO

I Filled Out the Forms—What Now?

- 1 **Take your forms to the court clerk.** The clerk will give your forms to the judge. The judge will look at them and decide whether to make the order. Sometimes the judge will want to talk to you. If so, the clerk will tell you.
- 2 **Find out if the judge made the temporary restraining order.** Ask the clerk when to come back to see if the judge signed the order (Form DV-110). The judge must decide by the next business day. Check to see if the judge made any changes.
- 3 **“File” the judge’s order.** If the judge signs the order, the clerk will “file” it. The clerk will keep the original for the court and give you 5 “filed” copies. If you need more, make them yourself.

What to do with your copies:

- Keep 1 copy with you, always. You may need to show it to the police.
- Keep another copy in a safe place.
- Give a copy to anyone else protected by the order.
- Take copies to places where the restrained person is ordered not to go (school, work, daycare, etc.)
- Give a copy to the security officers in your apartment building and workplace.

Restraining orders get entered into CLETS, a statewide computer system that lets police know about your order. The court will send the order to law enforcement or CLETS for you.

4 **Know your hearing date.**

Look at Form DV-110 for the date and time of your hearing.

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

The order you have now only lasts for about 3 weeks.

5 “Serve” the restrained person.

Ask someone you know, a process server, or law enforcement to personally “serve” (give) the restrained person a copy of the order. You **cannot** send it by mail.

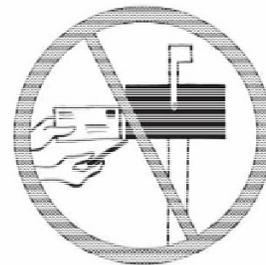
The server must:

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

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

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

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



Don't serve by mail!

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

The *Proof of Service* shows the judge and police that the restrained person got a copy of the order. Make 5 copies of the completed *Proof of Service*. Take the original and 5 copies to the court clerk as soon as possible **before your hearing**. The clerk will keep the original and give you back the copies stamped “Filed.” Bring a copy to your hearing.

Keep 1 copy with you and another in a safe place in case you need to show it to the police. Give the other copies out as you did in (3). The court will send your completed *Proof of Service* to law enforcement or CLETS for you. CLETS is a statewide computer system that lets police know about your order.

- If the sheriff serves your order, he or she will send the *Proof of Service* to the court and to CLETS for you.

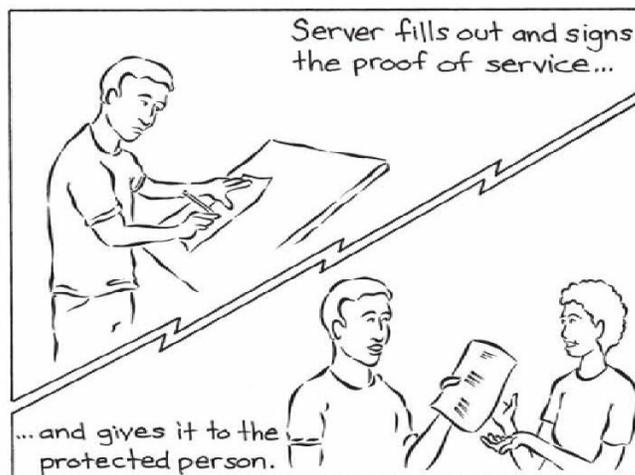
7 If the restrained person wasn't served . . .

The restrained person **must** be served before the hearing. If the restrained person wasn't served, fill out Form DV-125 to ask the judge for a new hearing date. Do this **before** or **at** your hearing. (If you wait until after the hearing, you have to start from the beginning.)

If the judge signs this order, the restraining order will last until the new hearing date.

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

After serving the orders, the server fills out and signs the *Proof of Service* and gives it to you.



W09-05**Family Law: Domestic Violence Prevention Act forms** (revise Judicial Council forms DV-100, DV-110, DV-120, DV-130, DV-170, DV-210-INFO, and DV-510-INFO)

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
1.	Marisol C. Alcantar Court Supervisor—Family Law Division Metro Superior Court of California, County of Kern Family Law Division—Metro	AM	<p>Commenting on behalf of an organization:</p> <p>1. DV-100, item 13: More room should be allowed to list the animal types for those with multiple animals and/or descriptions.</p> <p>2. DV-110, item 14: More room should be allowed to list the animal types for those with multiple animals and/or descriptions.</p> <p>3. DV-130, item 12: More room should be allowed to list the animal types for those with multiple animals or descriptions.</p> <p>4. DV-110, item 22: Should add Proof of Service form and in the reference to forms listed in item 23, add the language, "if support is an issue" or similar language.</p> <p>5. Comment was provided on the proposed forms to implement Family Code section 6320.5.</p>	<p>Items 1–3: Agree to add another line to allow for description of more animals.</p> <p>Item 4: There is already a reference to the proof of service form in item 22. Agree to revise the third sentence in item 22 to read: "Take it to the court clerk with the forms that apply to your case."</p> <p>Item 5: Due to the many substantive comments on the proposed forms to implement new Family Code section 6320.5, revised forms will be circulated for public comment later in 2009 for submission to the Judicial Council of California for an effective date of January 1, 2010.</p>
2.	Jacqueline Anderson Attorney at Law San Jose, CA	AM	<p>Comment was provided on the proposed forms to implement Family Code section 6320.5.</p>	<p>Due to the many substantive comments on the proposed forms to implement new Family Code section 6320.5, revised forms will be circulated for public comment later in 2009 for submission to the Judicial Council of California for an effective date of January 1, 2010.</p>

W09-05**Family Law: Domestic Violence Prevention Act forms** (revise Judicial Council forms DV-100, DV-110, DV-120, DV-130, DV-170, DV-210-INFO, and DV-510-INFO)

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
3.	Grace Andres Court Services Program Manager Superior Court of California, County of Solano Fairfield, CA	AM	Comment was provided on the proposed forms to implement Family Code section 6320.5.	Due to the many substantive comments on the proposed forms to implement new Family Code section 6320.5, revised forms will be circulated for public comment later in 2009 for submission to the Judicial Council of California for an effective date of January 1, 2010.
4.	Hon. Grant V. Barrett Commissioner of the Superior Court of California, County of Calaveras San Andreas, CA	AM	Comment was provided on the proposed forms to implement Family Code section 6320.5.	Due to the many substantive comments on the proposed forms to implement new Family Code section 6320.5, revised forms will be circulated for public comment later in 2009 for submission to the Judicial Council of California for an effective date of January 1, 2010.
5.	Connie Cabello Attorney Bay Area Legal Aid Oakland, CA	AM	Comment was provided on the proposed forms to implement Family Code section 6320.5. Comment was also provided on forms or issues not included in the Invitation to Comment.	Due to the many substantive comments on the proposed forms to implement new Family Code section 6320.5, revised forms will be circulated for public comment later in 2009 for submission to the Judicial Council of California for an effective date of January 1, 2010. Comment on forms or issues beyond the scope of the Invitation to Comment will be forwarded to the Protective Order Forms Working Group for consideration when the forms are next revised.
6.	California Association of Legal Document Assistants (CALDA) By Angie Walters Legislative Chairman Roseville, CA	AM	California Association of Legal Document Assistants (“CALDA”), Legal Document Assistants (“LDAs”) request a space be created on Judicial Council forms for: name, address, telephone number, registration number/expiration date, County, which is required by B&PC 6400.	This comment was made by CALDA concerning all winter-cycle forms proposals. Staff to this and other advisory committees will consider CALDA’s comment and whether to make changes to any Judicial Council forms at a later time.
7.	California Department of Justice Restraining and Protection Order System	A	The California Restraining and Protection Order System (CARPOS) staff reviewed the proposed changes to the specified Judicial Council forms	The committee appreciates the comment.

W09-05**Family Law: Domestic Violence Prevention Act forms** (revise Judicial Council forms DV-100, DV-110, DV-120, DV-130, DV-170, DV-210-INFO, and DV-510-INFO)

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
	By Lydia Pantoja Manager Sacramento, CA		and agree with the proposed changes indicated in the highlighted areas.	
8.	Lara Ann Deras Long Beach, CA	AM	Commentator provides no suggestion or comment specific to the proposal. Commentator describes a personal experience and expresses dissatisfaction with the judge, attorney, district attorney, public defender, and police.	There is no suggestion specific to the proposed forms.
9.	Rod Firoozye Attorney at Law Law Offices of Rod Firoozye Palo Alto, CA	AM	Comment was provided on the proposed forms to implement Family Code section 6320.5. Comment was also provided on forms or issues not included in the Invitation to Comment.	Due to the many substantive comments on the proposed forms to implement new Family Code section 6320.5, revised forms will be circulated for public comment later in 2009 for submission to the Judicial Council of California for an effective date of January 1, 2010. Comment on forms or issues beyond the scope of the Invitation to Comment will be forwarded to the Protective Order Forms Working Group for consideration when the forms are next revised.
10.	Hon. Mary Ann Grilli Judge of the Superior Court of California, County of Santa Clara	AM	Comment was provided on the proposed forms to implement Family Code section 6320.5. Comment was also provided on forms or issues not included in the Invitation to Comment.	Due to the many substantive comments on the proposed forms to implement new Family Code section 6320.5, revised forms will be circulated for public comment later in 2009 for submission to the Judicial Council of California for an effective date of January 1, 2010. Comment on forms or issues beyond the scope of the Invitation to Comment will be forwarded to the Protective Order Forms Working Group for consideration when the forms are next revised.
11.	Judy Hitchcock Staff Attorney Legal Assistance to the Elderly	AM	Comment was provided on the proposed forms to implement Family Code section 6320.5.	Due to the many substantive comments on the proposed forms to implement new Family Code section 6320.5, revised forms will be circulated

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	Commentator	Position	Comment	Committee Response
	San Francisco, CA			for public comment later in 2009 for submission to the Judicial Council of California for an effective date of January 1, 2010.
12.	Frances Ho Domestic Violence Services Coordinator Superior Court of California, County of Solano	A	Comment was provided on the proposed forms to implement Family Code section 6320.5.	Due to the many substantive comments on the proposed forms to implement new Family Code section 6320.5, revised forms will be circulated for public comment later in 2009 for submission to the Judicial Council of California for an effective date of January 1, 2010.
13.	Hon. Irwin H. Joseph Commissioner of the Superior Court of California, County of Santa Cruz	AM	We have long sought to have the age or year of birth of petitioner in Domestic Violence matters. Though not always relevant, it can be important in those cases involving youthful petitioners.	The comment is beyond the scope of the Invitation to Comment. Agree to forward comment to the Protective Order Forms Working Group for consideration when forms are next revised.
			Comment was provided on the proposed forms to implement Family Code section 6320.5.	Due to the many substantive comments on the proposed forms to implement new Family Code section 6320.5, revised forms will be circulated for public comment later in 2009 for submission to the Judicial Council of California for an effective date of January 1, 2010.
14.	Minouche Kandel Staff Attorney Bay Area Legal Aid San Francisco, CA	NI	Comment was provided on the proposed forms to implement Family Code section 6320.5.	Due to the many substantive comments on the proposed forms to implement new Family Code section 6320.5, revised forms will be circulated for public comment later in 2009 for submission to the Judicial Council of California for an effective date of January 1, 2010.
15.	Hon. Suzanne N. Kingsbury Presiding Judge of the Superior Court of California, County of El Dorado	NI	Comment was provided on the proposed forms to implement Family Code section 6320.5.	Due to the many substantive comments on the proposed forms to implement new Family Code section 6320.5, revised forms will be circulated for public comment later in 2009 for submission

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	Commentator	Position	Comment	Committee Response
				to the Judicial Council of California for an effective date of January 1, 2010.
16.	Hon. Thomas T. Lewis Judge of the Superior Court of California, County of Los Angeles	AM	I've reviewed the forms and would only suggest that the information form be printed in Spanish so that it is more accessible. I know there are many other languages to consider, but Spanish language cases predominate.	Agree; all DVPA forms are translated into Spanish, Korean, Vietnamese, and Chinese as information sheets.
17.	Los Angeles County Bar Association, Family Law Section By Hon. John Chemeleski Commissioner of the Superior Court of California, County of Los Angeles	N	DV-110, Par. 14. Animals: Possession and Stay away Order: This should be two separate proposed orders for animals, one for the stay away and a separate check box for the other orders. There are many situations where conduct orders are made without stay away orders including situations where parties remain in the same residence or where they may have to have contact regarding children or other purposes. The animal stay away order should be added to the other stay away orders in par. 7 so any exceptions that may apply to the other stay away orders would not have to be rewritten into par. 14. Comment was provided on the proposed forms to implement Family Code section 6320.5. Comment was also provided on forms or issues not included in the Invitation to Comment.	It would be clearer to keep all of the animal protection orders together. Even if the petitioner does not think that ownership is disputed, the respondent might disagree and a disagreement about who has the ability to sell or transfer the animal without a clear court order could create confusion for the parties and law enforcement. In those relatively rare cases where the court issues personal conduct orders while the parties remain living together; the court can strike out the stay-away provision from the consolidated animal protection orders. Alternatively, the court can issue orders for possession and control of an animal under the form's property control provision in lieu of the specific animal protection provision. Due to the many substantive comments on the proposed forms to implement new Family Code section 6320.5, revised forms will be circulated for public comment later in 2009 for submission to the Judicial Council of California for an effective date of January 1, 2010. Comment on forms or issues beyond the scope of the Invitation to Comment will be forwarded to the Protective

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	Commentator	Position	Comment	Committee Response
				Order Forms Working Group for consideration when the forms are next revised.
18.	Debra Matheney Manager, Family Court Services Superior Court of California, County of Kern	AM	I would like to see phone numbers added to item 11 of the petition. This would aid court investigators in contacting relatives.	This comment goes beyond the scope of the proposed forms. Agree to forward the comment to the Protective Order Forms Working Group for consideration.
19.	Sharon Ngim Staff Liaison to the Standing Committee on the Delivery of Legal Services The State Bar of California San Francisco, CA	NI	Comment was provided on the proposed forms to implement Family Code section 6320.5.	Due to the many substantive comments on the proposed forms to implement new Family Code section 6320.5, revised forms will be circulated for public comment later in 2009 for submission to the Judicial Council of California for an effective date of January 1, 2010.
20.	Susana Palma Victim Resource Specialist Solano County Office of Family Violence Prevention Fairfield, CA	A		The committee appreciates the comment.
21.	Michael M. Roddy Executive Officer of the Superior Court of California, County of San Diego	A	Comment was provided on the proposed forms to implement Family Code section 6320.5.	Due to the many substantive comments on the proposed forms to implement new Family Code section 6320.5, revised forms will be circulated for public comment later in 2009 for submission to the Judicial Council of California for an effective date of January 1, 2010.
22.	Julie Saffren Attorney at Law Schlepphorst and Emede, PC San Jose, CA	A	Comment was provided on the proposed forms to implement Family Code section 6320.5.	Due to the many substantive comments on the proposed forms to implement new Family Code section 6320.5, revised forms will be circulated for public comment later in 2009 for submission to the Judicial Council of California for an effective date of January 1, 2010.

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23.	Roxann Severin Domestic Violence Court Case Coordinator Superior Court of California, County of Fresno	AM	Comment was provided on the proposed forms to implement Family Code section 6320.5.	Due to the many substantive comments on the proposed forms to implement new Family Code section 6320.5, revised forms will be circulated for public comment later in 2009 for submission to the Judicial Council of California for an effective date of January 1, 2010.
24.	Superior Court of California, County of Kings By Krystina Cifuentez Deputy Court Administrator III	A		The committee appreciates the comment.
25.	Hon. John Chemeleski Commissioner of the Superior Court of California, County of Los Angeles 111 North Hill Street Los Angeles, CA 90012	A	The MC-020, which is now referenced throughout the revised DV-100 form should be updated or re-numbered and placed with the DV packets. The litigant may have problems finding the form when needed.	This comment goes beyond the scope of the Invitation to Comment. Agree to forward the comments to the Protective Order Forms Working Group for consideration when the forms are next revised.
			DV-110, Par. 14. Animals: Possession and Stay away Order: This should be two separate proposed orders for animals, one for the stay away and a separate check box for the other orders. There are many situations where conduct orders are made without stay away orders including situations where parties remain in the same residence or where they may have to have contact regarding children or other purposes. The animal stay away order should be added to the other stay away orders in par. 7 so any exceptions that may apply to the other stay away orders would not have to be rewritten into par. 14.	It would be clearer to keep all of the animal protection orders together. Even if the petitioner does not think that ownership is disputed, the respondent might disagree and a disagreement about who has the ability to sell or transfer the animal without a clear court order could create confusion for the parties and law enforcement. In those relatively rare cases where the court issues personal conduct orders while the parties remain living together, the court can strike out the stay-away provision from the consolidated animal protection orders. Alternatively, the court can issue orders for possession and control of an animal under the form's property control provision in lieu of the specific animal protection

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				provision.
			Comment was provided on the proposed forms to implement Family Code section 6320.5. Comment was also provided on forms or issues not included in the Invitation to Comment.	Due to the many substantive comments on the proposed forms to implement new Family Code section 6320.5, revised forms will be circulated for public comment later in 2009 for submission to the Judicial Council of California for an effective date of January 1, 2010. Comment on forms or issues beyond the scope of the Invitation to Comment will be forwarded to the Protective Order Forms Working Group for consideration when the forms are next revised.
26.	Superior Court of California, County of Orange By Linda Daeley Family Law Manager	AM	<p>1. DV-100, Section 13</p> <p>It is not clear what type of information is expected. Is it the animal’s name or description, or both? Suggestion would be to add some instruction regarding this issue and another line in case there are multiple animals.</p> <p>2. Section 14.</p> <p>Same comment as in #1.</p> <p>3. DV 130, Section 12</p> <p>Same comment as in #1</p> <p>4. Section 22, 2nd bullet.</p> <p>The way this is stated sounds as if the person</p>	<p>Items 1–3. Agree to add another line to allow description of additional animals. Any instruction regarding how to describe the animal (such as its name, etc.) would take up valuable space on the form and might be confusing because the types of animals that could be protected range from a family cat to a herd of cattle.</p> <p>Item 4. Agree to revise the third sentence in item 22 to read: “Take it to the court clerk with the forms that apply to your case.”</p>

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	Commentator	Position	Comment	Committee Response
			<p>must fill out the forms listed in item 23. These forms may not apply to the case. Suggest adding “that apply to your situation” or something similar at the end of the sentence.</p> <p>5. DV 120, Section 18</p> <p>Suggest changing to: “You must file a receipt (on Form DV-110) with the court within 48 hours after being served with temporary orders.” As is, sounds as if the temporary orders might be found on Form DV-110.</p>	<p>Item 5. Agree to revise sentence to read: “You must file a receipt with the court within 48 hours after being served with temporary orders.”</p>
27.	Trial Court Presiding Judges/ Court Executives Advisory Committees (TCPJAC/CEAC)	NI	<p>Comment was provided on the proposed forms to implement Family Code section 6320.5</p>	<p>Due to the many substantive comments on the proposed forms to implement new Family Code section 6320.5, revised forms will be circulated for public comment later in 2009 for submission to the Judicial Council of California for an effective date of January 1, 2010.</p>
28.	Diane Trunk Staff Attorney Neighborhood Legal Services Pacoima, California	AM	<p><u>DV-100-Item 13 Animals: Possession and Stay Away Order</u></p> <p>We propose that the pet provision be broken down as follows:</p> <p>Protection of Animals</p> <p>a. <input type="checkbox"/> I ask the court to order the person in 2 to stay at least ___ yards away from the following animal(s): _____.</p> <p>b. <input type="checkbox"/> I ask the court for sole possession, care and control of the animal(s) listed above.</p>	<p>It would be clearer to keep all of the animal protection orders together. Even if the petitioner does not think that ownership is disputed, the respondent might disagree and a disagreement about who has the ability to sell or transfer the animal without a clear court order could create confusion for the parties and law enforcement. In those relatively rare cases where the court issues personal conduct orders while the parties remain living together, the court can strike out the stay-away provision from the consolidated animal protection orders. Alternatively, the court can issue orders for possession and control of an animal under the form’s property control</p>

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			<p>c. <input type="checkbox"/> I ask the court for an order that the person in 2 not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm or otherwise dispose of the animal(s) listed above. You must describe your reasons for this request in your description of abuse in Item 22 – Recent Abuse.</p> <p>Comments: The proposed provision would be confusing to litigants as the specific requests are all grouped together. In our practice working with pro per litigants in our self-help domestic violence restraining order clinics, we see that litigants better understand legal provisions when they are broken down into simple pieces. Our proposed provision would also give the litigant the option to not request an order if the order would not apply to their case (e.g., a litigant owns a pet before the relationship began and possession, care and control is not disputed). We also suggest adding a reminder, similar to the reminder in Item 17 – Debt Payment, reminding the litigant that they need to describe why they need the order, i.e., “good cause” as required by the statute.</p> <p><u>DV-110 Item 14–Animals: Possession and Stay-Away Order</u></p> <p>Protection of Animals</p> <p><input type="checkbox"/> The person in 2 must stay at least ____ yards</p>	<p>provision in lieu of the specific animal protection provision.</p>

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			<p>away from the following animal(s):</p> <p>_____</p> <p><input type="checkbox"/> The person in 1 has sole possession, care and control of the animal(s) listed above</p> <p><input type="checkbox"/> The person in 2 shall not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm or otherwise dispose of the animal(s) listed above.</p> <p>Comment: This language matches the language in our proposed DV-100 Item 13.</p> <p><u>Form DV-120 Answer to Request for Restraining Order</u></p> <p>Our proposed Item 15:</p> <p>Animals</p> <p style="padding-left: 40px;">a. I do <input type="checkbox"/> do not <input type="checkbox"/> agree to the stay-away order requested</p> <p style="padding-left: 40px;">b. I do <input type="checkbox"/> do not <input type="checkbox"/> agree to the order requested</p> <p>I do <input type="checkbox"/> do not <input type="checkbox"/> agree to the order requested.</p> <p><u>Form DV-130 Restraining Order After Hearing</u></p> <p>Our proposed Item 12:</p> <p>Protection of Animals</p> <p><input type="checkbox"/> The person in 2 must stay at least ____ yards away from the following</p>	

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	Commentator	Position	Comment	Committee Response
			<p>animal(s):</p> <p><input type="checkbox"/> _____ The person in 1 has sole possession, care and control of the animal(s) listed above.</p> <p><input type="checkbox"/> The person in 2 shall not take, sell, transfer, encumber, conceal, molest, attach, strike, threaten, harm or otherwise dispose of the animal(s) listed above.</p> <p>Comment: This language matches the language in our proposed DV-100 Item 13.</p> <p>Comment was provided on the proposed forms to implement Family Code section 6320.5.</p>	<p>Due to the many substantive comments on the proposed forms to implement new Family Code section 6320.5, revised forms will be circulated for public comment later in 2009 for submission to the Judicial Council of California for an effective date of January 1, 2010</p>
29.	Jennifer Wylie-Pletcher Castro Valley, CA	NI	On the protected animal part of the forms—can you add more space? Does the court want pet names plus a description of the animal? I would think so which would mean more space needed to list.	Agree to add another line to allow for description of more animals.

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			Comment was provided on the proposed forms to implement Family Code section 6320.5.	Due to the many substantive comments on the proposed forms to implement new Family Code section 6320.5, revised forms will be circulated for public comment later in 2009 for submission to the Judicial Council of California for an effective date of January 1, 2010.

Protection of Animals
SB 353 (Kuehl; Stats. 2007, ch. 205)

SEC. 2. Section 6320 of the Family Code is amended to read:

6320. (a) The court may issue an ex parte order enjoining a party from molesting, attacking, striking, stalking, threatening, sexually assaulting, battering, harassing, telephoning, including, but not limited to, annoying telephone calls as described in Section 653m of the Penal Code, destroying personal property, contacting, either directly or indirectly, by mail or otherwise, coming within a specified distance of, or disturbing the peace of the other party, and, in the discretion of the court, on a showing of good cause, of other named family or household members.

(b) On a showing of good cause, the court may include in a protective order a grant to the petitioner of the exclusive care, possession, or control of any animal owned, possessed, leased, kept, or held by either the petitioner or the respondent or a minor child residing in the residence or household of either the petitioner or the respondent. The court may order the respondent to stay away from the animal and forbid the respondent from taking, transferring, encumbering, concealing, molesting, attacking, striking, threatening, harming, or otherwise disposing of the animal.

(c) On or before July 1, 2009, the Judicial Council shall modify the criminal and civil court forms consistent with this section.