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

What is a "domestic violence restraining order"?

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

Can I get a domestic violence restraining order?

You can ask for one if:

- A person has abused you or threatened to abuse you *and*
- You have one of the following relationships with that person: married, divorced, separated, registered domestic partnership, have a child together, dating or used to date, live together or used to live together*;
- Or you are related within the second degree of affinity or consanguinity. This means: mother or mother-in-law, father or father-in-law, child or stepchild or legally adopted child, grandparent or grandparent-in-law, grandchild or grandchild-in-law, sister or sister-in-law, brother or brother-in-law, stepparent, daughter-in-law or son-in-law. The in-law must be through a current marriage. (See Family Code § 6211).

* You have to regularly reside in the household.

What is abuse?

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

How soon can I get the order?

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

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

There are other kinds of orders you can ask for:

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

Ask the court clerk for the forms you need for these special kinds of orders, or visit *www.courts.ca.gov.* You may also want to talk to a lawyer.

How will the restraining order help me?

The court can order the restrained person to:

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

How do I ask for a domestic violence restraining order?

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

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

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

See Form DV-505-INFO, *How Do I Ask for a Temporary Restraining Order?* to know which forms you need and for steps to follow after you complete the forms.

How long does the order last?

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

How much does it cost?

Nothing.

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

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

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

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

Do I have to go to court?

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

Do I need a lawyer?

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

Do I need to bring a witness to the court hearing?

No. But it helps to have proof of the abuse. You can bring:

- A written statement from a witness, made under oath
- Witnesses
- Photos
- Medical or police reports
- Damaged property
- Threatening letters, e-mails, or telephone messages

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

Will I see the restrained person at the court hearing?

If the restrained person comes to the hearing, yes. But that person does not have the right to speak to you. If you are afraid, tell the court officer. Read *Get Ready for the Court Hearing* (Form DV-520-INFO).

Can I bring someone with me to court?

Yes. You can bring someone to sit with you during the court hearing. But that person cannot speak for you in court. Only you or your lawyer (if you have one) can speak for you.

What if I don't speak English?

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

What if I don't have a green card?

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

What if I am deaf or hard of hearing?

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

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

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

Can I use the restraining order to get divorced or terminate a registered domestic partnership?

No. These forms will not end your marriage or registered domestic partnership. You must file other forms to end your marriage or registered domestic partnership.

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

If you get a temporary restraining order that includes an order for custody, the parent with custody may not remove the child from California before notice to the other parent and a court hearing on the request to establish or modify custody. Read the order and Form DV-140, *Child Custody and Visitation Order*, if issued, for any other limits. There are some exceptions. Ask a lawyer.

What if I want to leave the county or state?

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

Need more information?

Ask the court clerk about free or low-cost legal help. For a referral to a local domestic violence or legal assistance program, call the National Domestic Violence Hotline:

1-800-799-7233
TDD: 1-800-787-3224

It's free and private.
They can help you in more than 100 languages.

HOW TO GET EMERGENCY ORDERS

You may ask for emergency orders if you feel you are in danger (restraining orders) or if you need emergency custody orders to protect the minor children. See Local Rules on reverse of this form.

Follow these steps to request emergency orders:

1. <u>COMPLETE THE FORMS:</u> You may obtain the forms from the Clerk's Office, Family Law Facilitator, the Court Website at *www.ventura.courts.ca.gov* or the Judicial Council Website at *www.courtinfo.gov*.

2. <u>PICK A DATE AND TIME FOR YOUR HEARING:</u> See the schedule on reverse.

3. <u>GIVE NOTICE TO THE OTHER PARTY:</u> You must tell the other party that you are filing for this Emergency Hearing by 10 a.m. the *court day* before the hearing. In some cases, you may not have to give notice – ask the Family Law Facilitator or an attorney if you believe you would be in danger if you told the other party about this request.

- ***<u>NOTICE: If there is a restraining order issued against you in this case, you may not give notice. Someone else must give notice.</u>***

4. <u>FILE YOUR PAPERS:</u> Be sure to file your papers with Clerk's office no later than 2 hours before your hearing but, if possible, the day before the hearing to allow the judge time to read your papers. If the papers are not filed on time, your case will not be heard.

5. <u>ATTEND THE HEARING:</u> If the judge grants your request, you will file the signed temporary order and have the other party served with the filed papers and the order. These emergency orders are made for only a short period of time. You will need to come back to court in about 3 weeks or your orders may expire.

6. <u>SERVE THE PAPERS AND ORDER ON THE OTHER PARTY:</u> Someone *other than you* must give these papers and the order to the other party. Whoever does this must sign a paper called a Proof of Service verifying that the papers were given to the other party personally. You may ask the Sheriff's Department to serve the papers. There may be a cost to do this.

7. <u>FILE THE PROOF OF SERVICE WITH THE COURT:</u> If you have not served the other party or do not have proof that the other party was served, the judge will not hear your case. Your case will be continued so that the papers can be served.

8. <u>ATTEND THE SECOND HEARING:</u> You should have an order prepared for the judge to sign.

If you are low income or receive public assistance benefits, you may ask for a fee waiver so you do not have to pay any filing fees. (For Domestic Violence cases there is no fee)

→ → → *IMPORTANT!!! PLEASE READ THESE LOCAL RULES*

Local Rule 9.04 Family Law Ex Parte Matters

A. EMERGENCY ORDER APPLICATIONS DISFAVORED
Emergency Orders applications are strongly disfavored. Whenever possible, in lieu of an emergency order, the court will issue orders shortening time and set the matter for full hearing at the regular family law and motion calendar. However, orders shortening time are also disfavored, and must be supported by a substantial showing of need.

B. DETERMINATION BASED ON PLEADINGS
It is the court's policy to determine emergency orders based on the pleadings submitted. Thus, requests for emergency orders normally will be determined without giving either party an opportunity for oral argument or discussion with the court.

California Rule of Court 5.151 (d) (5) Contents of Application and Declaration

D. APPLICATIONS REGARDING CHILD CUSTODY OR VISITATION (PARENTING TIME)
Applications for emergency orders granting or modifying child custody or visitation (parenting time) under Family Code section 3064 must: (A) Provide a full, detailed description of the most recent incidents showing i) Immediate harm to the child as defined in Family Code Section 3064(b) or ii) Immediate risk that the child will be removed from the State of California, (B) Specify the date of each incident described in (A), (C) Advise the court of the existing custody and visitation arrangements and how they would be changed by this emergency request, (D) Include a copy of the current custody orders, if they are available. If no orders exist, explain where and with whom the child is currently living and (E) include a completed UCCJEA (FL-105) if one has not been previously filed or if information has changed since previously filed.

HOW TO GET A DATE FOR YOUR HEARING:

Emergency requests are heard Monday through Friday at 11:30 a.m. for cases assigned to Courtrooms 31, 32, 33 and 35. You must call the secretary to make an appointment:

- If your case is assigned to Courtroom 31, 32 or 35 call 289-8762
- If your case is assigned to Courtroom 33 call 289-8772

For Domestic Violence, Harassment, Workplace Violence and Gun Violence restraining orders, or if your case is assigned to Courtroom 34, you do not need to make an appointment. Your case will be heard Monday through Friday at 1:30 p.m. in Courtroom 34. Exception: A Domestic Violence request filed in an existing Family Law case will be assigned to and heard in the courtroom of the Judicial Officer assigned to hear the existing case.

For Elder/Dependant Adult Abuse restraining orders you do not need to make an appointment. Your case will be heard Monday through Friday at 11:30 a.m. in Courtroom 33.

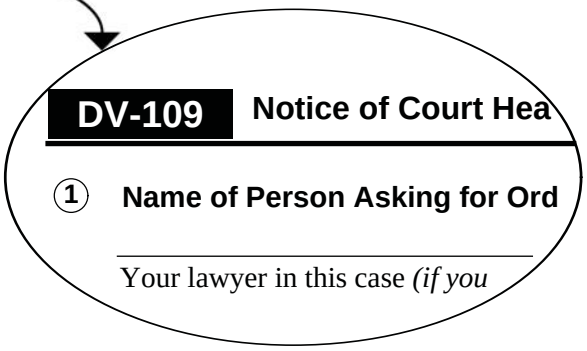
DV-505-INFO How Do I Ask For a Temporary Restraining Order?

1 Use this form as a checklist.

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

a. For a restraining order you need these forms:

- ☐ DV-100 *Request for Domestic Violence Restraining Order*
- ☐ CLETS-001 *(Confidential CLETS Information)*
- ☐ DV-109 *Notice of Court Hearing*
- ☐ DV-110 *Temporary Restraining Order*



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

- ☐ DV-105 *Request for Child Custody and Visitation Orders*
- ☐ DV-140 *Child Custody and Visitation Order*

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

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

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

d. Ask the clerk if your county has special forms or rules.

e. There are other forms you will need later *(do not fill them out now):*

- ☐ DV-120 *Response to Request for Domestic Violence Restraining Order*
- ☐ DV-130 *Restraining Order After Hearing (Order of Protection)*
- ☐ DV-200 *Proof of Personal Service*

2 Fill out the forms you need and take them to the court clerk.

The clerk will give your forms to the judge. The judge will look at them and decide whether to make ("grant") the temporary orders. Sometimes the judge will want to talk to you. If so, the clerk will tell you.

3 Find out if the judge made the temporary restraining orders.

Ask the clerk when to come back to see if the judge signed the order form DV-110. The judge must decide by the next business day. If the judge grants a temporary restraining order, check it carefully to see what the orders are. The judge might not order everything you requested. The court will set a hearing date on form DV-109 whether or not the judge grants any temporary orders.

4 "File" the judge's order.

The clerk will keep the original forms for the court and will file-stamp up to three copies for you. If you need more, you may make them yourself.

What to do with your copies:

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

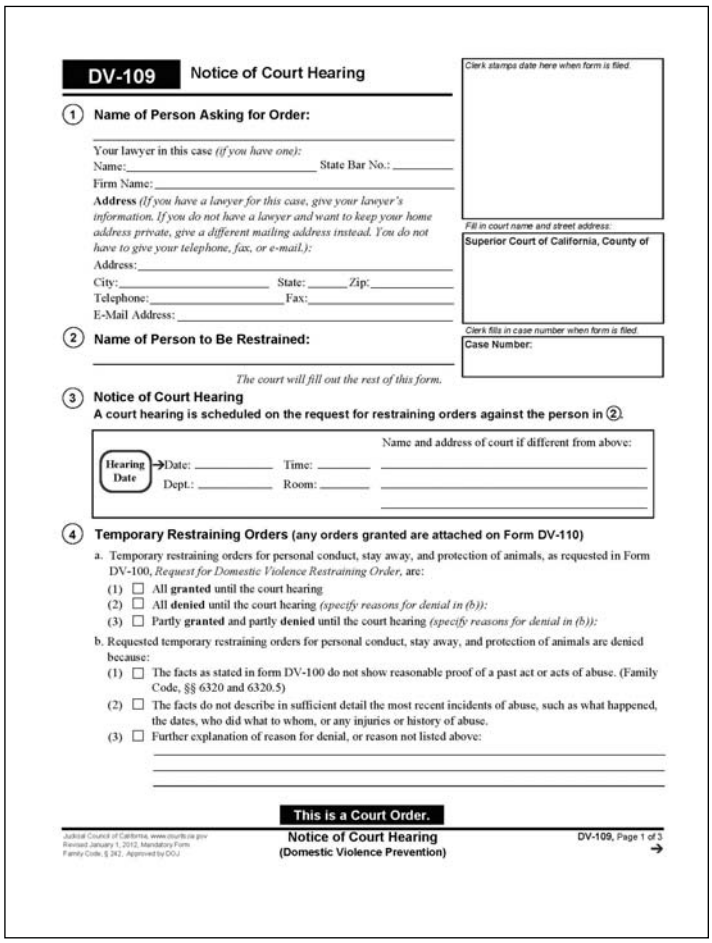
Restraining orders get entered into CLETS, a statewide computer system that lets police know about your order. The court will send the order to law enforcement or CLETS for you.

5 Know your hearing date: Form DV-109

Look at form DV-109 for the date and time of your hearing. You ***must*** go to your hearing to get a permanent order.

The order you have now only lasts for about three weeks. Any orders made on form DV-110 *(Temporary Restraining Order)* will end on the hearing date.

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



DV-109 Notice of Court Hearing

Clerk stamps date here when form is filed.

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

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

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

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

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

The court will fill out the rest of this form.

3 **Notice of Court Hearing**
A court hearing is scheduled on the request for restraining orders against the person in 2.

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

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

a. Temporary restraining orders for personal conduct, stay away, and protection of animals, as requested in Form DV-100, *Request for Domestic Violence Restraining Order*, are:
(1) ☐ All **granted** until the court hearing
(2) ☐ All **denied** until the court hearing *(specify reasons for denial in (b)):*
(3) ☐ Partly **granted** and partly **denied** until the court hearing *(specify reasons for denial in (b)):*

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

This is a Court Order.

Judicial Council of California, www.courtinfo.ca.gov
Revised January 1, 2012, Mandatory Form
Family Code, § 242. Approved by DOJ

Notice of Court Hearing
(Domestic Violence Prevention)

DV-109, Page 1 of 3

6 "Serve" the restrained party.

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

- Be 18 years of age or older
- Not be listed in item 1 or 3 of form DV-100, *Request for Domestic Violence Restraining Order*.

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 or on the Internet 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 it by mail!

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

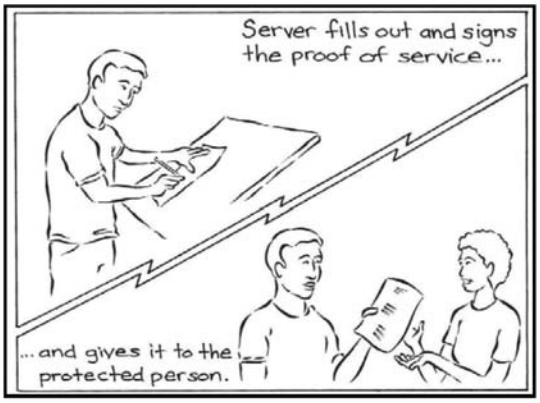
The *Proof of Personal Service* shows the judge and police that the restrained person got a copy of the request for orders. Make three copies of the completed *Proof of Personal Service*. Take the original and copies to the court clerk as soon as possible **before your hearing.** The clerk will keep the original and give you back the copies stamped "Filed." Bring a copy to your hearing.

Keep one copy with you and another in a safe place in case you need to show it to the police. Give the other copies out as you did in 4. The court will send your completed *Proof of Personal Service* to law enforcement or CLETS for you. CLETS is a statewide computer system that lets police know about your order.

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

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

The restrained party **must** be served before the hearing. If the restrained party wasn't served, fill out form DV-115 (*Request to Continue Hearing)* and the top of form DV-116 *(Order on Request to Continue Hearing*) to ask the judge for a new hearing date. Do this **before** or **at** your hearing. (If you wait until after the hearing, you have to start from the beginning and complete all of the forms again.)



If the judge signs form DV-116, any restraining orders will last until the end of the new hearing.

- File the signed order (form DV-116) with the clerk. The clerk will send it to law enforcement or CLETS for you.
- Attach form DV-115 and form DV-116 to your other court papers and have the restrained party personally served.
- After serving the orders, the server fills out and signs form DV-200, *Proof of Personal Service,* and gives it to you.
- File the original form DV-200, *Proof of Personal Service,* and bring a copy to your hearing.
- Bring a copy of form DV-115 and form DV-116 to your hearing.

9 Need help?

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

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

10 Need more help?

- Ask the court clerk about free or low-cost legal help.
- For a referral to a local domestic violence or legal assistance program, call the National Domestic Violence Hotline:

  1-800-799-7233
  TDD: 1-800-787-3224

  It's free and private. They can help you in more than 100 languages.

ATTORNEY OF PARTY WITHOUT ATTORNEY (Name and Address) Telephone Number ATTORNEY FOR (Name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA Limited Civil Case ☐ 800 SOUTH VICTORIA AVE. VENTURA, CA 93009 ☐ 4353 VINEYARD AVE., OXNARD, CA 93036	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	
DECLARATION RE EX PARTE NOTICE ☐ Dom. Violence Restraining Order ☐ Civil Harassment Restraining order ☐ Other Family Law / Custody ☐ Other Civil / Probate	CASE NUMBER:

Instructions: The person giving the notice must state how notice was given, where the hearing is to be held, and what orders are requested. If notice is not being given, please advance to page two of this form.

I, _____, declare:

1. I informed the person listed above that an order would be sought in the Superior Court of Ventura County at

   ☐ 800 South Victoria Ave., Ventura ☐ 4353 Vineyard Ave., Oxnard

   on: Date: _____ Time: _____ Courtroom: _____

   Person informed: (Name) _____ Date and time informed: _____

   How Informed:

   ☐ By telephone to the ☐ party ☐ attorney at (Telephone Number) _____

   ☐ By leaving a message with (Name) _____ relationship to party: _____

   ☐ at (Telephone Number) _____ ☐ In person

   ☐ By leaving a message on voicemail of the party at (Telephone Number) _____

   ☐ By personally informing: ☐ party ☐ attorney

   ☐ In writing (copy must be attached).

2. I told him/her that the orders requested included, but were not limited to:

   ☐ Domestic Violence Restraining Orders with ☐ move-out orders ☐ custody orders

   ☐ Civil Harassment Restraining Orders

   ☐ Custody / visitation orders, specifically: _____

   _____

   ☐ Other: _____

   and that he/she should appear at the above time and place if he/she wished to be heard by the court.

3. I ☐ do ☐ do not expect the other party to oppose my request.

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

Dated: _____ _____

Signature of Declarant

DECLARATION RE: EXPARTE NOTICE - NO NOTICE GIVEN

☐ Dom. Violence Restraining Order ☐ Civil Harassment Restraining order

☐ Other Family Law / Custody ☐ Other Civil / Probate

Instructions: Notice must be given for all Ex Parte requests unless the person requesting the order can establish exceptional circumstances to excuse notice.

1. I, _____ , am requesting Ex Parte orders as stated below. I am requesting that notice be excused in this matter.
2. Ex Parte hearing is set at ☐ **800 South Victoria Ave., Ventura**
   ☐ **3855-F Alamo St., Simi Valley**
   ☐ **4353 Vineyard Ave., Oxnard**
   on: Date: _____ **Time:** _____ **Courtroom:**_____
3. I am requesting the following orders:
   ☐ Domestic Violence Restraining Orders with ☐ move-out orders ☐ custody orders
   ☐ Civil Harassment Restraining Orders
   ☐ Custody / visitation orders, specifically: _____
   _____
   ☐ Other Civil/Probate orders, specifically: _____
   _____
4. Notice should be excused because (provide details as to why the other party should not be told, in advance, of your request for emergency orders)
   ☐ I do not have any way to give notice to the other party because: _____
   _____
   ☐ If notice is given, I, or the children, will suffer immediate harm, specifically: _____
   _____
   ☐ Giving notice would frustrate the purpose of this order because: _____
   _____

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

Dated: _____ _____

DV-100 Request for Domestic Violence Restraining Order

You must also complete form CLETS-001, Confidential CLETS Information, *and give it to the clerk when you file this Request.*

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Name of Person Asking for Protection:

_____ Age: _____

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

Name: _____ State Bar No.: _____

Firm Name: _____

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

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

2 Name of Person You Want Protection From:

_____

Description of person you want protection from:

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

Race: _____ Age: _____ Date of Birth: _____

Address *(if known):* _____

City: _____ State: _____ Zip: _____

3 Do you want an order to protect family or household members? ☐ Yes ☐ No

If yes, list them:

Full name	Sex	Age	Lives with you?	Relationship to you
			☐ Yes ☐ No	
			☐ Yes ☐ No	
			☐ Yes ☐ No	

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

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

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

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 related by blood, marriage, or adoption *(specify relationship):* _____

f. ☐ We are dating or used to date, or we are or used to be engaged to be married.

g. ☐ We are the parents together of a child or children under 18:

Child's Name: _____ Date of Birth: _____

Child's Name: _____ Date of Birth: _____

Child's Name: _____ Date of Birth: _____

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

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

This is not a Court Order.

Case Number:

5 Other Restraining Orders and Court Cases

a. Are there any restraining/protective orders currently in place OR that have expired in the last six months (emergency protective orders, criminal, juvenile, family)?

☐ No ☐ Yes *(date of order):* and *(expiration date):* *(Attach a copy if you have one).*

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

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

Kind of Case	County or Tribe Where Filed	Year Filed	Case Number *(if known)*
☐ Divorce, Nullity, Legal Separation			
☐ Civil Harassment			
☐ Domestic Violence			
☐ Criminal			
☐ Juvenile, Dependency, Guardianship			
☐ Child Support			
☐ Parentage, Paternity			
☐ Other *(specify):*			

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

Check the orders you want. ☑

6 ☐ Personal Conduct Orders

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

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

b. ☐ Contact, either directly or indirectly, in any way, including but not limited to, by telephone, mail or e-mail or other electronic means

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

7 ☐ Stay-Away Order

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

☐ Me
☐ My home
☐ My job or workplace
☐ My vehicle
☐ My school
☐ Each person listed in 3
☐ The child(ren)'s school or child care
☐ Other *(specify):* _____

b. If the person listed in 2 is ordered to stay away from all the places listed above, will he or she still be able to get to his or her home, school, job, workplace, or vehicle? ☐ Yes ☐ No *(If no, explain):*

_____

_____

8 ☐ Move-Out Order

(If the person in 2 lives with you and you want that person to stay away from your home, you must ask for this move-out order.)

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

_____

_____

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

_____

_____

This is not a Court Order.

Case Number:

9 Guns or Other Firearms or Ammunition

I believe the person in 2 owns or possesses guns, firearms, or ammunition. ☐ Yes ☐ No ☐ I don't know

If the judge approves the order, the person in 2 will be ordered not to own, possess, purchase, or receive a firearm or ammunition. The person will be ordered to sell to, or store with, a licensed gun dealer, or turn in to law enforcement, any guns or firearms that he or she owns or possesses.

10 ☐ Record Unlawful Communications

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

11 ☐ Care of Animals

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

_____

_____

I ask for the animals to be with me because:

_____

_____

12 ☐ Child Custody and Visitation

a. ☐ I do not have a child custody or visitation order and I want one.

b. ☐ I have a child custody or visitation order and I want it changed.

If you ask for orders, you must fill out and attach form DV-105, Request for Child Custody and Visitation Orders. *You and the other parent may tell the court that you want to be legal parents of the children (use form DV-180,* Agreement and Judgment of Parentage).

13 ☐ Child Support *(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.

c. ☐ I now receive or have applied for TANF, Welfare, CalWORKS, or Medi-Cal.

If you ask for child support orders, you must fill out and attach form FL-150, Income and Expense Declaration or *form FL-155,* Financial Statement (Simplified).

14 ☐ Property Control

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

_____

_____

15 ☐ Debt Payment

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

☐ *Check here if you need more space. Attach a sheet of paper and write "DV-100, Debt Payment" for a title.*

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

16 ☐ Property Restraint

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

17 ☐ Spousal Support

I am married to or have a registered domestic partnership with the person in 2 and no spousal support order exists. I ask the court to order the person in 2 to pay spousal support. *(You must complete, file, and serve* form FL-150, Income and Expense Declaration, *before your hearing).*

This is not a Court Order.

18 ☐ Rights to Mobile Device and Wireless Phone Account

a. ☐ **Property control of mobile device and wireless phone account**

I ask the court to give **only** me temporary use, possession, and control of the following mobile devices: _____ and the wireless phone account for the following wireless phone numbers because the account currently belongs to the person in 2 :

(including area code): _____ ☐ my number ☐ number of child in my care

(including area code): _____ ☐ my number ☐ number of child in my care

(including area code): _____ ☐ my number ☐ number of child in my care

☐ *Check here if you need more space. Attach a sheet of paper and write "DV-100, Rights to Mobile Device and Wireless Phone Account" for a title.*

b. ☐ **Debt Payment**

I ask the court to order the person in 2 to make the payments for the wireless phone accounts listed in 18a because: _____

Name of the wireless service provider is: _____ Amount: $ _____ Due Date: _____

If you are requesting this order, you must complete, file, and serve form FL-150, Income and Expense Declaration, *before your hearing.*

c. ☐ **Transfer of Wireless Phone Account**

I ask the court to order the wireless service provider to transfer the billing responsibility and rights to the wireless phone numbers listed in 18a to me because the account currently belongs to the person in 2 .

If the judge makes this order, you will be financially responsible for these accounts, including monthly service fees and costs of any mobile devices connected to these phone numbers. You may be responsible for other fees. You must contact the wireless service provider to find out what fees you will be responsible for and whether you are eligible for an account.

19 ☐ Insurance

I ask the court to order the person in 2 NOT to cash, borrow against, cancel, transfer, dispose of, or change the beneficiaries of any insurance or coverage held for the benefit of me or the person in 2, or our child(ren), for whom support may be ordered, or both.

20 ☐ Lawyer's Fees and Costs

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

You must complete, file, and serve form FL-150, Income and Expense Declaration, *before your hearing.*

21 ☐ Payments for Costs and Services

I ask the court to order the person in 2 to 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: $ _____

22 ☐ 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.

23 ☐ Other Orders

What other orders are you asking for? _____

_____

_____

_____

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

This is not a Court Order.

24 ☐ Time for Service (Notice)

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

_____

_____

25 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.

26 Court Hearing

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

27 Describe Abuse

Describe how the person in 2 abused you. Abuse means to intentionally or recklessly cause or attempt to cause bodily injury to you; or to place you or another person in reasonable fear of imminent serious bodily injury; or to harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, keep you under surveillance, impersonate (on the Internet, electronically or otherwise), batter, telephone, or contact you; or to disturb your peace; or to destroy your personal property. (For a complete definition, see Fam. Code, §§ 6203, 6320.)

a. Date of most recent abuse: _____

1. Who was there? _____
2. Describe how the person in 2 abused you or your child(ren):

_____

_____

_____

_____

_____

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

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

_____

_____

4. Describe any injuries: _____

_____

_____

5. Did the police come? ☐ No ☐ Yes
   If yes, did they give you or the person in 2 an Emergency Protective Order? ☐ Yes ☐ No ☐ I don't know
   Attach a copy if you have one.
   The order protects ☐ you or ☐ the person in 2

This is not a Court Order.

Case Number:

27 Describe Abuse (continued)

Has the person in 2 abused you (or your child(ren)) other times?

b. Date of abuse: _____

1. Who was there? _____
2. Describe how the person in 2 abused you or your child(ren):

_____
_____
_____
_____
_____

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

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

_____

4. Describe any injuries: _____

_____

5. Did the police come? ☐ No ☐ Yes

If yes, did they give you or the person in 2 an Emergency Protective Order?

☐ Yes ☐ No ☐ I don't know *Attach a copy if you have one.*

The order protects ☐ you or ☐ the person in 2

If the person in 2 abused you other times, check here ☐ *and use Form DV-101,* Description of Abuse *or describe any previous abuse on an attached sheet of paper and write* "DV-100, Previous Abuse" *for a title.*

28 Other Persons to Be Protected

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

_____
_____
_____
_____
_____
_____

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

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

Date: _____

_____
Type or print your name

▶ _____
Sign your name

Date: _____

_____
Lawyer's name, if you have one

▶ _____
Lawyer's signature

This is not a Court Order.

DV-101 Description of Abuse

Case Number:

This form is attached to DV-100, *Request for Domestic Violence Restraining Order* .

1 **Name of person asking for protection:** _____

2 **Name of person you want protection from:** _____

3 **Describe abuse to you or your children.**

a. Date of abuse: _____

b. Who was there? _____

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

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

e. Describe any injuries: _____

f. Did the police or other law enforcement come? ☐ No ☐ Yes
If yes, did they give you or the person in 2 an Emergency Protective Order? ☐ Yes ☐ No ☐ I don't know
The Emergency Protective Order protects ☐ You ☐ The person in 2
Attach a copy of the Emergency Protective Order if you have one.

Case Number:

4 **Describe abuse to you or your children.**

Has the person in 2 abused you (or your children) other times?

a. Date of abuse: _____

b. Who was there? _____

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

_____

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

_____

e. Describe any injuries: _____

f. Did the police or other law enforcement come? ☐ No ☐ Yes

If yes, did they give you or the person in 2 an Emergency Protective Order? ☐ Yes ☐ No ☐ I don't know

The Emergency Protective Order protects ☐ You ☐ The person in 2

Attach a copy of the Emergency Protective Order if you have one.

5 **Describe abuse to you or your children.**

_____

☐ *Check here if you need more space. Attach a sheet of paper and write "DV-101—Description of Abuse" for a title.*

DV-109 Notice of Court Hearing

Clerk stamps date here when form is filed.

1 Name of Person Asking for Order:

_____

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

Fill in court name and street address:

Superior Court of California, County of

2 Name of Person to Be Restrained:

_____

The court will fill out the rest of this form.

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:

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

Name and address of court if different from above:
_____
_____
_____

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

a. Temporary Restraining Orders for personal conduct and stay-away orders as requested in form DV-100, *Request for Domestic Violence Restraining Order,* are *(check only one box below):*
   (1) ☐ All **GRANTED** until the court hearing.
   (2) ☐ All **DENIED** until the court hearing. *(Specify reasons for denial in b, below.)*
   (3) ☐ Partly **GRANTED** and partly **DENIED** until the court hearing. *(Specify reasons for denial in b, below.)*

b. Reasons for denial of some or all of those personal conduct and stay-away orders as requested in form DV-100, *Request for Domestic Violence Restraining Order,* are:
   (1) ☐ The facts as stated in form DV-100 do not show reasonable proof of a past act or acts of abuse. (Family Code, §§ 6320 and 6320.5.)
   (2) ☐ The facts do not describe in sufficient detail the most recent incidents of abuse, such as what happened, the dates, who did what to whom, or any injuries or history of abuse.
   (3) ☐ Further explanation of reason for denial, or reason not listed above:
   _____
   _____

Case Number:

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):* _____

Date: _____ _____

Judicial Officer

Right to Cancel Hearing: Information for the Person in 1

- If item 4 a(2) or 4 a(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 come to 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 come to the hearing, any restraining orders made on form DV-110 will end on the date of the hearing.

Case Number:

To the Person in 1 :

- The court cannot make the restraining orders after the court hearing unless the person in 2 has been personally given (served) a copy of your request and any temporary orders. To show that the person in 2 has been served, the person who served the forms must fill out a proof of service form. form DV-200, *Proof of Personal Service,* may be used.
- For information about service, read form DV-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?*
- Whether or not you respond in writing, go to the hearing if you want the judge to hear from you before making an order. You may tell the judge why you agree or disagree with the orders requested. You may bring witnesses and other evidence.
- **At the hearing, the judge may make restraining orders against you that could last up to five years.**
- **The judge may also make other orders about your children, child support, spousal support, money, and property and may order you to turn in or sell any firearms that you own or possess.**

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). (Civ. Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate [seal]

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

Date: _____ Clerk, by _____, Deputy

DV-110 Temporary Restraining Order

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

Clerk stamps date here when form is filed.

(1) Name of Protected Person:

_____

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

Name: _____ State Bar No.: _____

Firm Name: _____

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

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-mail Address: _____

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

(2) Name of Restrained Person:

_____

Description of restrained person:

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

Race: _____ Age: _____ Date of Birth: _____

Address *(if known):* _____

City: _____ State: _____ Zip: _____

Relationship to protected person: _____

(3) ☐ Additional Protected Persons

In addition to the person named in (1), the following persons are protected by temporary orders as indicated in items (6) and (7) *(family or household members):*

Full name	Relationship to person in (1)	Sex	Age

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

The court will complete the rest of this form.

(4) Court Hearing

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

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

This is a Court Order.

5 ☐ Criminal Protective Order

a. ☐ A criminal protective order on form CR-160, *Criminal Protective Order—Domestic Violence*, is in effect.
Case Number: _____ County: _____ Expiration Date: _____

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

To the person in 2

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

6 Personal Conduct Orders ☐ Not requested ☐ Denied until the hearing ☐ Granted as follows:

a. You must **not** do the following things to the person in 1 and ☐ persons in 3:

- ☐ Harass, attack, strike, threaten, assault *(sexually or otherwise)*, hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, impersonate *(on the Internet, electronically or otherwise)*, or block movements
- ☐ Contact, either directly or indirectly, in any way, including but not limited to, by telephone, mail, e-mail or other electronic means
- ☐ Take any action, directly or through others, to obtain the addresses or locations of the persons in 1 *and* 3. *(If this item is not checked, the court has found good cause not to make this order.)*

b. Peaceful written contact through a lawyer or process server or another person for service of Form DV-120 *(Response to Request for Domestic Violence Restraining Order)* or other legal papers related to a court case is allowed and does not violate this order.

c. ☐ Exceptions: Brief and peaceful contact with the person in 1, and peaceful contact with children in 3, as required for court-ordered visitation of children, is allowed unless a criminal protective order says otherwise.

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

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

- ☐ The person in 1
- ☐ Home of person in 1
- ☐ The job or workplace of person in 1
- ☐ Vehicle of person in 1
- ☐ School of person in 1
- ☐ The persons in 3
- ☐ The child(ren)'s school or child care
- ☐ Other *(specify):* _____

b. ☐ Exceptions: Brief and peaceful contact with the person in 1, and peaceful contact with children in 3, as required for court-ordered visitation of children, is allowed unless a criminal protective order says otherwise.

8 Move-Out Order ☐ Not requested ☐ Denied until the hearing ☐ Granted as follows:

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

This is a Court Order.

9 No Guns or Other Firearms or Ammunition

a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.

b. You must:

- Sell to, or store with, a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms within your immediate possession or control. Do so within 24 hours of being served with this order.
- Within 48 hours of receiving this order, file with the court a receipt that proves guns have been turned in, stored, or sold. (You may use Form DV-800, *Proof of Firearms Turned In, Sold, or Stored,* for the receipt.) Bring a court filed copy to the hearing.

c. ☐ The court has received information that you own or possess a firearm.

10 Record Unlawful Communications

☐ **Not requested** ☐ **Denied until the hearing** ☐ **Granted as follows:**

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

11 Care of Animals ☐ **Not requested** ☐ **Denied until the hearing** ☐ **Granted as follows:**

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

_____

_____

12 Child Custody and Visitation ☐ **Not requested** ☐ **Denied until the hearing** ☐ **Granted as follows:**

Child custody and visitation are ordered on the attached form DV-140, *Child Custody and Visitation Order* or *(specify other form)*: _____ . The parent with temporary custody of the child must not remove the child from California unless the court allows it after a noticed hearing (Fam. Code, § 3063).

13 Child Support

Not ordered now but may be ordered after a noticed hearing.

14 Property Control ☐ **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:

_____

15 Debt Payment ☐ **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: _____

16 Property Restraint ☐ **Not requested** ☐ **Denied until the hearing** ☐ **Granted as follows:**

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

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

This is a Court Order.

17 Spousal Support

Not ordered now but may be ordered after a noticed hearing.

18 Rights to Mobile Device and Wireless Phone Account

a. Property control of mobile device and wireless phone account

☐ 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:

Mobile device *(describe)* _____ and account *(phone number):* _____

Mobile device *(describe)* _____ and account *(phone number):* _____

Mobile device *(describe)* _____ and account *(phone number):* _____

☐ *Check here if you need more space. Attach a sheet of paper and write "DV-110 Rights to Mobile Device and Wireless Phone Account" as a title.*

b. Debt Payment ☐ Not requested ☐ Denied until the hearing ☐ Granted as follows:

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

Pay to *(wireless service provider):* _____ Amount: $_____ Due date:_____

c. Transfer of Wireless Phone Account

Not ordered now but may be ordered after a noticed hearing.

19 Insurance

☐ The person in 1 ☐ the person 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 child(ren), if any, for whom support may be ordered, or both.

20 Lawyer's Fees and Costs

Not ordered now but may be ordered after a noticed hearing.

21 Payments for Costs and Services

Not ordered now but may be ordered after a noticed hearing.

22 Batterer Intervention Program

Not ordered now but may be ordered after a noticed hearing.

23 Other Orders

☐ **Not requested** ☐ **Denied until the hearing** ☐ **Granted as follows:**

_____

_____

_____

_____

_____

_____

☐ *Check here if there are additional orders. List them on an attached sheet of paper and write "DV-110, Other Orders" as a title.*

24 No Fee to Serve (Notify) Restrained Person

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

Date:_____

_____

Judge (or Judicial Officer)

This is a Court Order.

Warnings and Notices to the Restrained Person in ②

If You Do Not Obey This Order, You Can Be Arrested And Charged With a Crime.

- If you do not obey this order, you can 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.
- 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.

You Cannot Have Guns, Firearms, And/Or Ammunition.

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

Service of Order by Mail

If the judge makes a restraining order at the hearing, which has the same orders as in this form, you will get a copy of that order by mail at your last known address, which is written in ②. If this address is incorrect, or to find out if the orders were made permanent, contact the court.

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 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 a *Financial Statement (Simplified)* (form FL-155) or an *Income and Expense Declaration* (form FL-150) 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 an *Income and Expense Declaration* (form FL-150) so the judge will have information about your finances. Otherwise, the court may make support orders without hearing from you.

Instructions for Law Enforcement

This order is effective when made. It is enforceable by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS). If the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing, the agency shall advise the restrained person of the terms of the order and then shall enforce it. Violations of this order are subject to criminal penalties.

Arrest Required if Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Pen. Code, §§ 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. (Pen. Code, §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 Pen. Code, § 136.2, and Fam. Code, §§ 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 includes a no-contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
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

- 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.**

Certificate of Compliance With VAWA

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

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate [seal]

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

Date: _____ Clerk, by _____ , Deputy

This is a Court Order.

DOMESTIC VIOLENCE VICTIM ASSISTANCE IN VENTURA COUNTY

Coalition for Family Harmony
1030 North Ventura Road
Oxnard, California 93030
800 300-2181 Hotline: English & Spanish
805 983-6014 Main Office
805 654-1111 Shelter
www.thecoalition.org
A county wide safe emergency shelter for battered women and their children, family treatment center for those experiencing family and sexual violence, Spanish and English Support groups for women who are victims of domestic violence, play therapy for children and anger management groups for men and women.

Interface Children Family Services
4001 Mission Oak Boulevard, Ste I
Camarillo, CA 93012
800-636-6738 Urgent Domestic Violence Counselor 24hr-7 days a week
805-485-6114 Main Office
www.icfs.org
Social services agency providing prevention, counseling, shelter, treatment, and education programs for abused children, battered women and their children, homeless youth and families in crisis. Counseling and crisis services provided at sites throughout the county. Programs include: Domestic violence programs, Safe Haven, Battered Women's Shelter and Safe Journey.

Ventura County District Attorney's Office
Crime Victims' Assistance Unit
Hall of Justice, Room 311
800 South Victoria Avenue
Ventura, California 93009
805 654-3622
www.vcdistrictattorney.com
The unit offers special assistance to aid victims of domestic violence. Trained advocates will offer resources and referrals for counseling services, temporary shelter and food, assistance with filing for Victims of Crime Compensation, support and information on court proceedings and restraining orders.

Additional Assisting Agencies in Ventura County

Helpline	211
Catholic Charities	643-4694
Project Understanding	652-1326
Health Care for the Homeless	652-6694
Salvation Army (families and single women)	648-5032

Agency Resource Directory Listing: www.cpedv.org/Links

FOR INFORMATION ON RESOURCES AND SHELTER SERVICES OUTSIDE OF VENTURA COUNTY
National Domestic Violence Hotline 1-800-799-7233 or www.thehotline.org
Teen & Young Adults Dating Abuse Hotline 1-866-331-9474 or www.loveisrespect.org

Local Police and Law Enforcement Agencies:

Camarillo Police Department	482-9844
Fillmore Police Department	524-2233
Moorpark Police Department	532-2700
Ojai Police Department	646-1414
Oxnard Police Department	385-7600
Port Hueneme Police Department	986-6530
Santa Paula Police Department	525-4474
Simi Valley Police Department	583-6950
Thousand Oaks Police Department	494-8200
Ventura County Sheriff Department	654-9511
Ventura Police Department	339-4400

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

The court can order 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 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
- Follow other types of orders (listed on *Form DV-100*)

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 just a roommate)
- A parent, grandparent, sibling, child, or grandchild related by blood, marriage, or adoption

I've been served with a request for domestic violence restraining order. What do I do now?

Read the papers very carefully. You must follow all the orders the judge made. The *Notice of Court Hearing* tells you when to appear in court. You should go to the hearing, if you do not agree to the orders requested. If you do not go to the hearing, the judge can make orders against you without hearing from you.

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 the 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.

What if I don't agree with what the order says?

You still must obey the orders until the hearing. If you do NOT agree with the orders the person is asking for, fill out Form DV-120, *Response to Request for Domestic Violence Restraining Order*. After you fill out the form, file it with the court clerk and "serve" the form on the person asking for the restraining order. "Serve" means to have someone 18 years or older–**not you**–mail a copy to the other party. The person who serves your form must fill out Form DV-250, *Proof of Service by Mail*. After Form DV-250 is completed, make sure it is filed with the court clerk. You will also have a chance at the hearing to tell your side of the story. For more information on how to prepare for the hearing, read Form DV-520-INFO, *Get Ready for the Restraining Order Court Hearing.*

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

No.

What if I also have criminal charges against me?

See a lawyer. Anything you say or write, including in this case, can be used against you in your criminal case.

What if I have a gun or ammunition?

If a restraining order is issued, you cannot own, possess, or have a gun, other firearm, or ammunition while the order is in effect. If you have a gun or other firearm in your immediate possession or control, you must sell it to, or store it with, a licensed gun dealer, or turn it in to a law enforcement agency. You must also prove to the court that you turned in or sold your gun. Read Form DV-800-INFO, *How Do I Turn In, Sell, or Store My Firearms?*, for more information.

Do I need a lawyer?

You are not entitled to a free court-appointed lawyer for this case but having a lawyer represent you or getting legal advice from a lawyer is a good idea, especially if you have children. If you cannot afford a lawyer, you can represent yourself. There is free or low-cost help available in every county. For help, ask the court clerk how to find free or low-cost legal services and self-help centers in your area. You can also get free help with child support at your local family law facilitator's office.

What if I do not speak English?

When you file Form DV-120, ask the court clerk if a court interpreter is available for your hearing. If an interpreter is not available, bring someone to interpret for you. Do NOT ask a child, a witness, or anyone to be protected by the order to interpret for you.

What if I am deaf or hard of hearing?

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

Can I use the restraining order to get divorced or terminate 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 have children with the other person?

The judge can make temporary orders for child custody and visitation. If the judge makes a temporary order for child custody, the parent with custody may not remove the child from California before notice to the other parent and a court hearing. Read the order for any other restrictions. There may be some exceptions. Ask a lawyer for more information.

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.

Will I see the person who asked for the order at the court hearing?

Yes. Assume that the person who is asking for the order will attend the hearing. Do not talk to him or her unless the judge or that person's attorney says that you can. Any temporary restraining order made by the court is in effect until the end of the hearing.

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

Do not use this form 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 of domestic violence?

For a referral to a local domestic violence or legal assistance program, call the National Domestic Violence Hotline:

1-800-799-7233
TDD: 1-800-787-3224

It's free and private.
They can help you in more than 100 languages.

For help in your area, contact:

[Local information may be inserted]

DV-120 Response to Request for Domestic Violence Restraining Order

Clerk stamps date here when form is filed.

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:

_____

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

Name: _____ State Bar No.: _____

Firm Name: _____

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

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

3 Use this form to respond to the *Request for Domestic Violence Restraining Order* (Form DV-100).

- Fill out this form and take it to the court clerk.
- Have the person in 1 served by mail with a copy of this form and any attached pages. (See Form DV-250, *Proof of Service by Mail.)*
- For more information, read Form DV-120-INFO, *How Can I Respond to a Request for Domestic Violence Restraining Order?*
- This form is for a response to a restraining order request. For more information about how to request your own restraining order, read Form DV-505-INFO and Form DV-120-INFO (see the section called *"What if I need a restraining order against the other person?"*)

The judge will consider your Response at the hearing.

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

Hearing Date → Date: _____ Time: _____

Dept.: _____ Room: _____

You must obey the orders in Form DV-110, *Temporary Restraining Order*, until the hearing. At the hearing, the court may make restraining orders against you that could last up to five years and could be renewed.

4 ☐ Relationship to Person Asking for Protection

a. ☐ I agree to the relationship listed in item 4 on Form DV-100.

b. ☐ I do not agree that the other party and I have or had the relationship listed in item 4 on Form DV-100 because: _____

5 ☐ Other Protected People

a. ☐ I agree to the order requested.

b. ☐ I do not agree to the order requested, ☐ but I would agree to: _____

_____

(Specify your reasons in item 25, page 5, of this form.)

This is not a Court Order.

6 ☐ Personal Conduct Orders

a. ☐ I agree to the orders requested.
b. ☐ I do not agree to the order requested, ☐ but I would agree to: _____

_____

(Specify your reasons in item 25, page 5, of this form.)

7 ☐ Stay-Away Order

a. ☐ I agree to the order requested.
b. ☐ I do not agree to the order requested, ☐ but I would agree to: _____

_____

(Specify your reasons in item 25, page 5, of this form.)

8 ☐ Move-Out Order

a. ☐ I agree to the order requested.
b. ☐ I do not agree to the order requested, ☐ but I would agree to: _____

_____

(Specify your reasons in item 25, page 5, of this form.)

9 Guns or Other Firearms or Ammunition

If you were served with Form DV-110, Temporary Restraining Order, *you must turn in any guns or firearms in your immediate possession or control. You must file a receipt with the court from a law enforcement agency or a licensed gun dealer within 48 hours after you received Form DV-110.*

a. ☐ I do not own or have any guns or firearms.
b. ☐ I ask for an exemption from the firearms prohibition under Family Code section 6389(h) because *(specify):* _____
c. ☐ I have turned in my guns and firearms to law enforcement or sold them to, or stored them with, a licensed gun dealer. A copy of the receipt showing that I turned in, sold, or stored my firearms *(check all that apply):*

☐ is attached ☐ has already been filed with the court.

10 ☐ Record Unlawful Communications

a. ☐ I agree to the order requested.
b. ☐ I do not agree to the order requested, ☐ but I would agree to: _____

_____

(Specify your reasons in item 25, page 5, of this form.)

11 ☐ Care of Animals

a. ☐ I agree to the order requested.
b. ☐ I do not agree to the order requested, ☐ but I would agree to: _____

_____

(Specify your reasons in item 25, page 5, of this form.)

This is not a Court Order.

12 ☐ Child Custody and Visitation

a. ☐ I agree to the order requested.
b. ☐ I do not agree to the order requested. *(Specify your reasons in item 25, page 5, of this form.)*
c. ☐ I am not the parent of the child listed in Form DV-105, *Request for Child Custody and Visitation Orders.*
d. ☐ I ask for the following custody order *(specify):* _____

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

You and the other parent may tell the court that you want to be legal parents of the children (use Form DV-180, Agreement and Judgment of Parentage).

13 ☐ Child Support *(Check all that apply):*

a. ☐ I agree to the order requested.
b. ☐ I do not agree to the order requested. *(Specify your reasons in item 25, page 5, of this form.)*
c. ☐ I agree to pay guideline child support.

Whether or not you agree to pay support, you must fill out, serve, and file Form FL-150, Income and Expense Declaration, *or Form FL-155,* Financial Statement (Simplified).

14 ☐ Property Control

a. ☐ I agree to the order requested.
b. ☐ I do not agree to the order requested, ☐ but I would agree to: _____

(Specify your reasons in item 25, page 5, of this form.)

15 ☐ Debt Payment

a. ☐ I agree to the order requested.
b. ☐ I do not agree to the order requested, ☐ but I would agree to: _____

(Specify your reasons in item 25, page 5, of this form.)

16 ☐ Property Restraint

a. ☐ I agree to the order requested.
b. ☐ I do not agree to the order requested, ☐ but I would agree to: _____

(Specify your reasons in item 25, page 5, of this form.)

17 ☐ Spousal Support

a. ☐ I agree to the order requested.
b. ☐ I do not agree to the order requested, ☐ but I would agree to: _____

(Specify your reasons in item 25, page 5, of this form.)

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

This is not a Court Order.

18 ☐ Rights to Mobile Device and Wireless Phone Account

a. ☐ I agree to the order requested.

b. ☐ I do not agree to the order requested, ☐ but I would agree to: _____

_____

(Specify your reasons in item 25, page 5, of this form.)

19 ☐ Insurance

a. ☐ I agree to the order requested.

b. ☐ I do not agree to the order requested, ☐ but I would agree to: _____

_____

(Specify your reasons in item 25, page 5, of this form.)

20 ☐ Lawyer's Fees and Costs

a. ☐ I agree to the order requested.

b. ☐ I do not agree to the order requested, ☐ but I would agree to: _____

_____

(Specify your reasons in item 25, page 5, of this form.)

c. ☐ I request the court to order payment of my lawyer's fees and costs.

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

21 ☐ Payments for Costs and Services

a. ☐ I agree to the order requested.

b. ☐ I do not agree to the order requested, ☐ but I would agree to: _____

_____

(Specify your reasons in item 25, page 5, of this form.)

22 ☐ Batterer Intervention Program

a. ☐ I agree to the order requested.

b. ☐ I do not agree to the order requested, ☐ but I would agree to: _____

_____

(Specify your reasons in item 25, page 5, of this form.)

23 ☐ Other Orders *(see item 22 on Form DV-100)*

a. ☐ I agree to the order requested.

b. ☐ I do not agree to the order requested, ☐ but I would agree to: _____

_____

(Specify your reasons in item 25, page 5, of this form.)

24 ☐ Out-of-Pocket Expenses

I ask the court to order payment of my out-of-pocket expenses because the temporary restraining order was issued without enough supporting facts. The expenses are:

Item: _____ Amount: $ _____ Item: _____ Amount: $ _____

You must fill out, serve, and file Form FL-150, Income and Expense Declaration.

This is not a Court Order.

25 ☐ Reasons I Do Not Agree to the Orders Requested

Explain your answers to each of the orders requested *(give specific facts and reasons):*

☐ *Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write,* "DV-120, Reasons I Do Not Agree" *as a title.*

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

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

Date: _____

_____
Type or print your name

_____
Sign your name

Date: _____

_____
Lawyer's name, if you have one

_____
Lawyer's signature

This is not a Court Order.

DV-250 Proof of Service by Mail

Clerk stamps date here when form is filed.

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:

_____

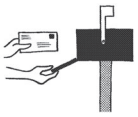
2 Name of Person to Be Restrained:

_____

3 Notice to Server

The server must:

- Be 18 years of age or over.
- Not be listed in items 1, 2 or 3 of form DV-100, *Request for Domestic Violence Restraining Order.*
- Mail a copy of all documents checked in 4 to the person in 5.



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

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

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

a. Name of person served: _____
b. To this address: _____
City: _____ State: _____ Zip: _____
c. Mailed on *(date)*: _____
d. Mailed from (*city*): _____ (*state*): _____

6 Server's Information

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____

If you are a registered process server:

County of registration: _____ Registration number: _____

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

Date: _____

_____
Type or print server's name

▶ _____
Server to sign here

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

What is "service"?

Service is the act of giving your court papers to the other party in your case. There are different ways to serve the other party: in person, by mail, and others.

Why do I have to serve my legal papers?

Before a judge can grant a domestic violence restraining order (that can last up to five years), the person you want a restraining order against must know about your request and have a chance to go to court to explain their side. Also, if a restraining order is in place, the police cannot arrest the restrained person for violating the restraining order until the restrained person is served with the order.

What is "personal service"?

Personal service is when someone, known as a server, personally delivers your court papers to the other party.

In most cases, these forms must be served to the other party by personal service:

- Form DV-109;
- Form DV-100;
- Form DV-110;
- Form DV-120 (leave this form blank);
- Form DV-120-INFO; and
- Form DV-250 (leave this form blank).

Who can serve?

Any adult who is not protected by the restraining order can serve your court papers. **You cannot serve your own court papers.**

Some situations may be dangerous. Think about people's safety when deciding who you want to serve your papers.

A sheriff or marshal will serve your court papers for free. A registered process server is a business you pay to deliver papers. To hire a process server, look for "process server" on the internet or in the yellow pages.

How do I have my court papers served?

Step 1: Choose a server

The person who gives your court papers to the other party is called a server. Your server must be at least 18-years-old. They must not be protected by the restraining order or involved in your case. This means that you cannot serve your own court papers.

Step 2: Have your server give your court papers to the other party

Give your server these instructions:

1. Before you serve the forms, note which forms you have, including the name of the form and the form number. See form DV-200 for a list of forms.
2. Find the person you need to serve. Make sure you are serving the right person by asking the person's name.
3. Give the person the papers. If the person refuses to take the papers, put them on the ground or somewhere next to the person. The person doesn't have to touch or sign for the papers. It is okay if they tear them up.
4. Fill out form DV-200 completely and sign.
5. File form DV-200 with the court or give form DV-200 to the person who is asking for the restraining order so they can file it.

Step 3: File proof with the court

The court needs proof that service happened and that it was done correctly. If your server was successful, have your server fully complete and sign form DV-200. **The person you want restrained does not sign anything.**

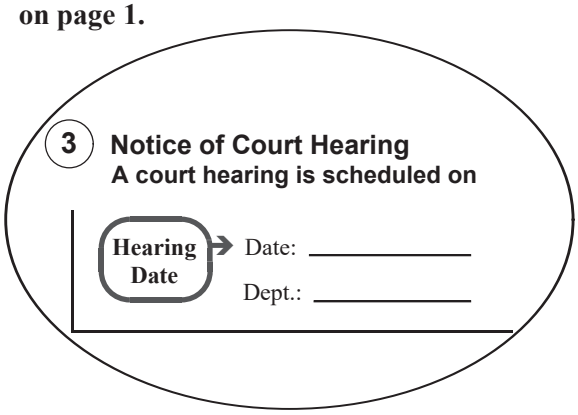
Take form DV-200 to the court to file in your case as soon as possible. This information will automatically go into a restraining order database that police have access to.

If the sheriff or marshal served your court papers, they may use another form for proof besides form DV-200. Make sure a copy is filed with the court and that you get a copy.

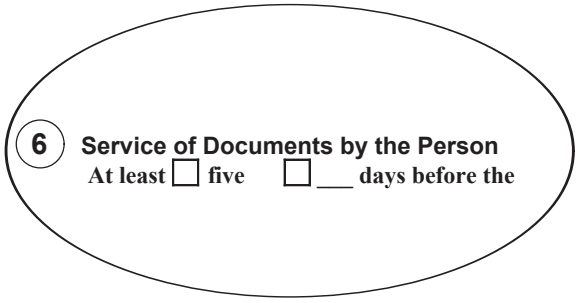
When is the deadline to serve my court papers?

It depends. To know the exact date, you need to look at two items on form DV-109. Follow these steps:

◯ **Step 1: Look at the court date listed under ③ on page 1.**



◯ **Step 2: Look at the number of days written in ⑥ on page 2.**



◯ **Step 3: Look at a calendar.** Subtract the number of days in ⑥ from the court date. That's the deadline to have your court papers served. It's okay to serve your court papers before the deadline.

If nothing is written in ⑥, you must have your court papers served at least five days before your court date.

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

You will need to ask the court to reschedule (continue) your court date. Fill out and file form DV-115 and form DV-116. These forms ask the judge for a new court date and to make any temporary orders last until the end of the new court date.

If the judge gives you a new court date, the person you want restrained will have to be served with form DV-116, form DV-115, **and** the original papers you filed. You should keep a copy of form DV-115, form DV-116, and a copy of your original paperwork. That way, the police will know your orders are still in effect.

For more information on asking for a new court date, read form DV-115-INFO.

What if the other party is avoiding (evading) service?

If you've tried many times to serve the the restrained person, and you can show the judge that the restrained person is avoiding (evading) service, you may ask the court to allow you to serve another way. If you want to make this request, at your first court date tell the judge details about your attempts to have the restrained person served. The judge may require a written statement for this.

Read form DV-205-INFO, *What if the Person I Want Protection From is Avoiding (Evading) Service?*, for more information.

DV-200 Proof of Personal Service

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of

Court clerk fills in case number when form is filed.

Case Number:

1 Name of Party Asking for Protection:

_____

2 Name of Party to Be Restrained:

_____

3 Notice to Server

The server must:

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

4

I gave the party in 2 a copy of all the documents checked:

a. ☐ DV-109 with DV-100 and a blank DV-120 *(Notice of Court Hearing; Request for Domestic Violence Restraining Order;* blank *Response to Request for Domestic Violence Restraining Order)*

b. ☐ DV-110 *(Temporary Restraining Order)*

c. ☐ DV-105 and DV-140 *(Request for Child Custody and Visitation Orders, Child Custody and Visitation Order)*

d. ☐ FL-150 with a blank FL-150 *(Income and Expense Declaration)*

e. ☐ FL-155 with a blank FL-155 *(Financial Statement (Simplified))*

f. ☐ DV-115 *(Request to Continue Hearing)*

g. ☐ DV-116 *(Order on Request to Continue Hearing)*

h. ☐ DV-130 *(Restraining Order After Hearing)*

i. ☐ Other *(specify):*

5

I personally gave copies of the documents checked above to the party in 2 on:

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

c. At this address: _____

City: _____ State: _____ Zip: _____

6 Server's Information

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

7

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

Date: _____

_____
Type or print server's name

_____
Server to sign here

DV-520-INFO Get Ready for the Restraining Order Court Hearing

This form explains what to do *before*, *during*, and *after* the restraining order hearing. You can go to www.courts.ca.gov/dvforms for more information and to find the court forms listed in this information form

Before the hearing

Take these papers to court (you can use the check boxes on this page to keep track of what you need or have):

- ☐ 3 copies of **all** papers you filed for your case.
- ☐ 3 copies of documents that support your case (police or medical reports, rental agreements or receipts, photos, bills). Be ready to give the other party copies of what you give to the judge. Sometimes the judge cannot look at or consider certain documents. The judge will decide which documents can be included in your case.
- ☐ 3 copies of pay stubs or other proof of income (only if orders about money, such as child or spousal support were requested). If the judge accepts your proof, s/he will also give a copy to the other person.

If needed, make arrangements for:

- ☐ **A support person.** But that person cannot speak for you in court.
- ☐ **Witness(es)** to testify in court. Or you may bring a witness's signed statement of what they saw or heard. The witness's statement can be on a sheet of paper that says *Declaration* at the top, and *Signed under penalty of perjury* at the bottom, just above the witness's signature. Or the witness may use form MC-030, *Declaration* instead.

Exception: If the other person objects to your witness, that witness must be in court if you want the judge to hear from him or her.

- ☐ **The signed *Proof of Service* form.** For more information, see **DV-200-INFO**, *What Is "Proof of Personal Service?"*
- ☐ Make a list of the orders you want (or don't want), and practice saying it. You may only have a few minutes to talk to the judge. If you get nervous at the hearing, just read from your list. You may also write a statement and read it to the judge. You may also say other things after you read the statement.
- ☐ **Childcare.** Most of the time, children will not be allowed in the courtroom during the hearing. Call the court and ask if they have a children's waiting room. If not, arrange for childcare.
- ☐ If you do not speak English well, ask the clerk for an **interpreter**. The clerk may ask you to fill out a request form if you want the court to have an interpreter at the hearing. If the court cannot give you an interpreter, bring an adult to interpret for you. Do not ask a witness or a child involved in your case to interpret for you.

If the hearing is about getting a restraining order ***against*** you:

- **Go to the hearing!** If you miss it, the judge can make orders without hearing your side.
- Read DV-120-INFO, *How Can I Respond to a Request for Domestic Violence Restraining Order?*
- You can fill out and file a court form to tell the judge your side (form DV-120, *Response to Request for Domestic Violence Restraining Order*). Take 3 copies of this form to the court hearing.
- *Note:* If the other person asks for orders about money (child or spousal support or other financial orders), read form DV-570 to see if you should fill out an Income and Expense Declaration or a Simplified Financial Statement.

At the hearing

Get to court at least **30 minutes early**. Find your courtroom. When it opens, go in and tell the courtroom clerk or law enforcement officer you are present, and the names of any witnesses, and if the witness needs an interpreter.

- Do not sit near or talk to the other person. If you are afraid of the other person, tell the officer.
- Watch the other cases so you will know what to do.
- Go to the front of the courtroom when they call your name.
- You may be at court several hours. It depends on how many cases there are. Your hearing may last just a few minutes or over an hour.

Warning! If you asked for the restraining order but do not go to 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.

In the courtroom

The judge may ask you questions. The other people in the case and their lawyers may ask questions, too.

- Tell the truth. Speak slowly. Give complete answers. You can read from your list.
- Try to answer exactly what the judge asks.
- If you don't understand, say "I don't understand the question."
- Speak only to the judge unless it's your turn to ask questions or the judge tells you to answer a question from the other person or his/her lawyer.
- Do not interrupt anyone! If the other person tells a lie, wait until s/he finishes talking, then tell the judge.

Family Court Sevices

If you ask for parenting time (custody and visitation) orders, the court may send both parents to Family Court Services for *court-connected mediation* or *child custody recommending counseling*. For more information, see forms: FL-313-INFO, *Child Custody Information Sheet—Recommending Counseling*, or FL- 314-INFO, *Child Custody Information Sheet—Child Custody Mediation*. If you are sent to Family Court Services, the judge may extend the date of the orders (or make new temporary orders) to last until your next court date.

The court may postpone (continue) your case if:

- The person to be restrained has not been served or needs time to get a lawyer or prepare an answer.
- The judge wants more information or your hearing is taking longer than planned.

If this happens, you will have to come back another day. The person who asked for the order may ask the judge to make the temporary orders last until the new hearing date. The court might use form DV-116 for the new hearing.

At the end of the hearing

For most cases, the judge will make decisions about your case at the end of the hearing. To decide if the requested orders should be approved or not, the judge will decide if the evidence shows that the person asking for protection is entitled to a restraining order. The judge will consider the evidence and the safety risks of the adults and children involved in the case. If the judge makes orders at the hearing, the orders will be on form DV-130, *Restraining Order After Hearing*.

If you asked for the order(s):

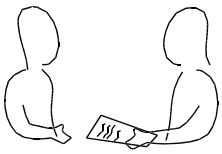
- The court clerk might fill out form DV-130. If so, s/he will take it to the judge. If not, ask who should fill it out, and where to file it. After the form is filed, the court clerk will give you up to 3 copies.
- Read the signed form DV-130 carefully. If anything is different from what the judge said in court, ask the clerk for help right away. Or talk to your lawyer, if you have one.
- Your temporary orders expire at midnight of the date of your hearing. File your new order the same day so you will be protected.
- If the court makes the restraining order, the clerk will send form DV-130, *Restraining Order After Hearing* to law enforcement. Doing this puts your orders in a database called CLETS. This lets police everywhere in the state know about the orders.
- ***Important!*** Always keep a copy of the restraining order with you.

After the hearing

If you **asked** for the restraining order, and the court made the order…

You must have the other person served with a copy of form DV-130. You may have him or her served with a copy of form DV-130 in the courtroom after the hearing or by mail.

If the restrained person was *not* at the hearing and the new orders are



- the ***same*** as the temporary order, you may have the other person served with a copy of form DV-130 by mail. Ask the serve to complete form DV-250.
- ***different*** from the temporary order, you must have someone serve form ***DV-130*** in person, not by mail. Ask the server to complete form ***DV-200***, *Proof of Personal Service*, and give it back to you.

Important! You must file a completed form ***DV-200***, *Proof of Personal Service*, or form ***DV-250***, *Proof of Service by Mail*. Keep a copy for your records. Keep a copy of the orders with you at all times.

Other orders

If you asked for support or child custody/visitation orders, you may also get one of these forms:

- Form DV-140, *Child Custody and Visitation Order*, if the judge ordered child custody or visitation.
- Form FL-342, *Child Support Information and Order Attachment*, or form FL-343, *Spousal, Partner, or Family Support Order Attachment*, if the judge orders child support and/or spousal support.

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

If the court made a restraining order **against** you…

- You must obey orders the judge makes at the hearing. Orders are written on form DV-130. If you do not obey them, you could be arrested.
- You will be served the *Restraining Order After Hearing* (form DV-130) at the hearing or within a few days, by mail or in person.
- Read the signed form DV-130 carefully when you receive it. If anything is different from what the judge said, ask the court clerk for help right away. Or talk to your lawyer, if you have one.

If you do not receive a copy of the orders within a few days, ask the clerk for a copy.

Review *How Do I Turn In, Sell, or Store My Firearms* (DV-800-INFO/JV-252-INFO).

Need more help?

Ask the court clerk about free or low-cost legal help. Ask for information at the court about the Self-Help Center or Family Law Facilitator Office.

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

DV-130 Restraining Order After Hearing (Order of Protection)

Clerk stamps date here when form is filed.

☐ **Original Order** ☐ _____ **Amended Order**

1 Name of Protected Person:

_____

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

Name: _____ State Bar No.: _____

Firm Name: _____

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

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of

Clerk fills in case number when form is filed.

Case Number:

2 Name of Restrained Person:

_____

Description of restrained person:

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

Race: _____ Age: _____ Date of Birth: _____

Mailing Address *(if known)*: _____

City: _____ State: _____ Zip: _____

Relationship to protected person: _____

3 ☐ Additional Protected Persons

In addition to the person named in 1, the following persons are protected by orders as indicated in items 6 and 7 *(family or household members)*:

Full name	Relationship to person in 1	Sex	Age

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

4 Expiration Date

The orders, except as noted below, end on

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

- *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.*
- *Note: Custody, visitation, child support, and spousal support orders remain in effect after the restraining order ends. Custody, visitation, and child support orders usually end when the child is 18.*
- ***The court orders are on pages 2, 3, 4, and 5 and attachment pages (if any).***

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

This is a Court Order.

5 Hearings

a. The hearing was on *(date):* _____ with *(name of judicial officer):* _____

b. These people were at the hearing *(check all that apply):*

☐ The person in 1 ☐ The lawyer for the person in 1 *(name):* _____

☐ The person in 2 ☐ The lawyer for the person in 2 *(name):* _____

c. The people in 1 and 2 must **return to Dept.** _____ **of the court** on (date): _____ at *(time):* _____ ☐ a.m. ☐ p.m. to review *(specify issues):* _____

_____

To the person in 2 :

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

6 ☐ Personal Conduct Orders

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

☐ Harass, attack, strike, threaten, assault *(sexually or otherwise)*, hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, impersonate *(on the Internet, electronically or otherwise)*, or block movements.

☐ Contact, either directly or indirectly, by any means, including, but not limited to, by telephone, mail, e-mail, or other electronic means.

☐ Take any action, directly or through others, to obtain the addresses or locations of any protected persons. *(If this item is not checked, the court has found good cause not to make this order.)*

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

c. ☐ Exceptions: Brief and peaceful contact with the person in 1, and peaceful contact with children in 3, as required for court-ordered visitation of children, is allowed unless a criminal protective order says otherwise.

7 ☐ Stay-Away Order

a. The person in 2 **must** stay at least *(specify):* _____ yards away from *(check all that apply):*

☐ The person in 1 ☐ School of person in 1

☐ Home of person in 1 ☐ The persons in 3

☐ The job or workplace of person in 1 ☐ The child(ren)'s school or child care

☐ Vehicle of person in 1 ☐ Other *(specify):* _____

b. ☐ Exceptions: Brief and peaceful contact with the person in 1, and peaceful contact with children in 3, as required for court-ordered visitation of children, is allowed unless a criminal protective order says otherwise.

8 ☐ Move-Out Order

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

_____

9 No Guns or Other Firearms or Ammunition

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

This is a Court Order.

9 b. The person in 2 must:
- Sell to, or store with, a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms within his or her immediate possession or control. Do so within 24 hours of being served with this order.
- Within 48 hours of receiving this order, file with the court a receipt that proves guns have been turned in, sold, or stored. *(*Form DV-800*, Proof of Firearms Turned In, Sold, or Stored*, may be used for the receipt.*)* Bring a court filed copy to the hearing.

c. ☐ The court has received information that the person in 2 owns or possesses a firearm.

d. ☐ The court has made the necessary findings and applies the firearm relinquishment exemption under Family Code section 6389(h). Under California law, the person in 2 is not required to relinquish this firearm *(specify make, model, and serial number of firearm):* _____
The firearm must be in his or her physical possession only during scheduled work hours and during travel to and from his or her place of employment. Even if exempt under California law, the person in 2 may be subject to federal prosecution for possessing or controlling a firearm.

10 ☐ **Record Unlawful Communications**

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

11 ☐ **Care of Animals**

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

_____

12 ☐ **Child Custody and Visitation**

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

13 ☐ **Child Support**

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

14 ☐ **Property Control**

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

_____

15 ☐ **Debt Payment**

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

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

☐ *Check here if more payments are ordered. List them on an attached sheet of paper and write* "DV-130, Debt Payments" *as a title.*

16 ☐ **Property Restraint**

The ☐ person in 1 ☐ person in 2 must not transfer, borrow against, sell, hide, or get rid of or destroy any property, including animals, except in the usual course of business or for necessities of life. In addition, the person must notify the other of any new or big expenses and explain them to the court. *(The person in 2 cannot contact the person in 1 if the court has made a "No-Contact" order.)*
Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order.

This is a Court Order.

17 ☐ Spousal Support

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

18 ☐ Rights to Mobile Device and Wireless Phone Account

a. ☐ Property Control of Mobile Device and Wireless Phone Account

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

Mobile device *(describe)* _____ and account *(phone number):* _____

Mobile device *(describe)* _____ and account *(phone number):* _____

☐ *Check here if you need more space. Attach a sheet of paper and write "DV-130 Rights to Mobile Device and Wireless Phone Account" as a title.*

b. ☐ Debt Payment

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

Pay to *(wireless service provider):* _____ Amount: $_____ Due date:_____

c. ☐ Transfer of Wireless Phone Account

The court has made an order transferring one or more wireless service accounts from the person in 2 to the person in 1. These orders are contained in a separate order (Form DV-900).

19 ☐ Insurance

☐ The person in 1 ☐ the person 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 child(ren), if any, for whom support may be ordered, or both.

20 ☐ Lawyer's Fees and Costs

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

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

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

21 ☐ Payments for Costs and Services

The person in 2 must pay the following:

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

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

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

☐ *Check here if more payments are ordered. List them on an attached sheet of paper and write* "DV-130, Payments for Costs and Services" *as a title.*

22 ☐ Batterer Intervention Program

The person in 2 must go to and pay for a 52-week batterer intervention program and show written proof of completion to the court. This program must be approved by the probation department under Penal Code § 1203.097. The person in 2 must enroll by *(date):* _____ or if no date is listed, must enroll within 30 days after the order is made. The person in 2 must complete, file and serve Form 805, Proof of Enrollment for Batterer Intervention Program.

23 ☐ Other Orders

Other orders *(specify):* _____

_____

_____

24 No Fee to Serve (Notify) Restrained Person

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

This is a Court Order.

25 Service

a. ☐ The people in 1 and 2 were at the hearing or agreed in writing to this order. No other proof of service is needed.

b. ☐ The person in 1 was at the hearing on the request for original orders. The person in 2 was not present.

(1) ☐ Proof of service of Form DV-109 and Form DV-110 (if issued) was presented to the court. The judge's orders in this form are the same as in Form DV-110 except for the end date. The person in 2 must be served. This order can be served by mail.

(2) ☐ Proof of service of Form DV-109 and Form DV-110 (if issued) was presented to the court. The judge's orders in this form are different from the orders in Form DV-110, or Form DV-110 was not issued. The person in 2 must be personally "served" (given) a copy of this order.

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 were at the hearing or agreed in writing to this order. No other proof of service is needed.

(2) ☐ The person in ☐ 1 ☐ 2 was not at the hearing and must be personally "served" (given) a copy of this amended order.

26 ☐ Criminal Protective Order

a. ☐ Form CR-160, *Criminal Protective Order—Domestic Violence*, is in effect.
Case Number: _____ County: _____ Expiration Date: _____

b. ☐ Other Criminal Protective Order in effect *(specify):* _____
Case Number: _____ County: _____ Expiration Date: _____

(List other orders on an attached sheet of paper. Write "DV-130, Other Criminal Protective Orders" *as a title.)*

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

27 ☐ Attached pages are orders.

- Number of pages attached to this seven-page form: _____
- All of the attached pages are part of this order.
- Attachments include *(check all that apply):*

☐ DV-140 ☐ DV-145 ☐ DV-150 ☐ FL-342 ☐ FL-343 ☐ DV-900

☐ Other *(specify):* _____

_____

Date: _____

_____
Judge (or Judicial Officer)

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. § 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.**

This is a Court Order.

Warnings and Notices to the Restrained Person in 2

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

- If you do not obey this order, you can 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.
- 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.

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

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, and/or ammunition while the order is in effect. If you do, you can go to jail and pay a $1,000 fine. Unless the court grants an exemption, you must sell to, or store with, a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms that you have or control. The judge will ask you for proof that you did so. If you do not obey this order, you can be charged with a crime. Federal law says you cannot have guns or ammunition while the order is in effect. Even if exempt under California law, you may be subject to federal prosecution for possessing or controlling a firearm.

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. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6.

Notice/Proof of Service

Law enforcement must first determine if the restrained person had notice of the orders. If notice cannot be verified, the restrained person must be advised of the terms of the orders. If the restrained person then fails to obey the orders, the officer must enforce them. (Fam. Code, § 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. (Fam. Code, § 6383; Pen. Code, § 836(c)(2).) An officer can obtain information about the contents of the order in the Domestic Violence Restraining Order System (DVROS). (Fam. Code, § 6381(b)-(c).)

If the Protected Person Contacts the Restrained Person

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

This is a Court Order.

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.

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 Pen. Code, § 136.2 and Fam. Code, §§ 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 includes a no-contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
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.

(Clerk will fill out this part.)

—Clerk's Certificate—

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.

To keep other people from seeing what you entered on your form, please press the Clear This Form button at the end of the form when finished.

California Law Enforcement Telecommunications System (CLETS) Information Form

☐ This form is submitted with the initial filing *(date):* _____

☐ This is an amended form *(date):* _____

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

Fill out as much of this form as you can and give it to the court clerk. If the court issues a restraining order, this form will provide law enforcement with information that will help them enforce it. If any of this information changes, fill out a new (amended) form.

Case Number *(if you know it):* _____

1 Person to Be Protected *(Name):* _____

Sex: ☐ M ☐ F Height: _____ Weight: _____ Race: _____

Hair Color: _____ Eye Color: _____ Age: _____ Date of Birth: _____

Mailing Address *(listed on restraining order)*: _____

City: _____ State: _____ Zip: _____ Telephone *(optional)*: _____

Vehicle *(Type, Model, Year)*: _____ *(License Number and State)*: _____

2 Person to Be Restrained *(Name):* _____

Sex: ☐ M ☐ F Height: _____ Weight: _____ Race: _____

Hair Color: _____ Eye Color: _____ Age: _____ Date of Birth: _____

Residence Address: _____

City: _____ State: _____ Zip: _____ Telephone: _____

Business Address: _____

City: _____ State: _____ Zip: _____ Telephone: _____

Employer: _____

Occupation/Title: _____ Work Hours: _____

Driver's License Number and State: _____ Social Security Number: _____

Vehicle *(Type, Model, Year)*: _____ *(License Number and State)*: _____

Describe any marks, scars, or tattoos: _____

Other names used by the restrained person: _____

3 Guns or Firearms

Describe any guns or firearms that you believe the person in 2 owns or has access to *(Number, types, and locations)*:

_____

_____

4 Other People to Be Protected

Name	Date of Birth	Sex	Race	Relation to Person in 1

☐ Additional persons to be protected are listed on Attachment 4.

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

For your protection and privacy, please press the Clear This Form button after you have printed the form.

Save This Form | Print This Form | Clear This Form

DV-250 Proof of Service by Mail

Clerk stamps date here when form is filed.

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:

_____

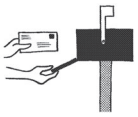
2 Name of Person to Be Restrained:

_____

3 Notice to Server

The server must:

- Be 18 years of age or over.
- Not be listed in items 1, 2 or 3 of form DV-100, *Request for Domestic Violence Restraining Order.*
- Mail a copy of all documents checked in 4 to the person in 5.



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

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

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

a. Name of person served: _____
b. To this address: _____
City: _____ State: _____ Zip: _____
c. Mailed on *(date)*: _____
d. Mailed from (*city*): _____ (*state*): _____

6 Server's Information

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____

If you are a registered process server:

County of registration: _____ Registration number: _____

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

Date: _____

_____
Type or print server's name

▶ _____
Server to sign here

DV-530-INFO How to Enforce Your Restraining Order

Get copies.

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

- Always keep a copy with you. You may need to show it to the police.
- Keep another copy in a safe place and consider keeping a copy in your car.
- Give a copy to anyone else protected by the order.
- Take copies to places where you and the other protected people go (e.g. school, work, daycare, etc.).
- Give a copy to the security officers in your apartment building and workplace.
- Staple the restraining order (DV-110 or DV-130) to the *Proof of Service* (DV-200 or DV-250).

When should I call the police?

Call the police ***right away*** if the restrained person violates any of the orders. Also:

- Write down what happened, when, where, and the names of any witnesses.
- Get copies of police reports.
- If you are hurt, get copies of medical reports.

Even if you haven't served the orders yet, call the police.
Show the police a copy of your orders. If the restrained person is there, ask the officer to serve the orders. If the officer serves the orders, he or she will send the *Proof of Service* to the court and CLETS for you. CLETS is a statewide computer system that lets police know about your orders.

If you're in danger, call 911!

What can the police do?

It is a crime to disobey the judge's orders.
The restrained person can be arrested, pay a fine, and/or go to jail or prison.

Ask your local district attorney (D.A.) how he or she will handle your case. The D.A. may file criminal or contempt charges. You can always call the D.A. for information about a criminal case.
You can also file a civil contempt action. Ask the court clerk for forms or visit www.courts.ca.gov.

Guns, Other Firearms and Ammunition

The restrained person cannot

- own
- have
- buy or try to buy

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

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

Save This Form Print This Form