Domestic Violence Booklet

- National Domestic Violence Hotline: 800-799-SAFE (7233)
- All documents must be typed or printed neatly. Please use black ink.
- **Domestic Violence papers are accepted at the Lamoreaux Justice Center, 7th Floor, Family Law Clerk's Office.**

The **Domestic Violence Assistance Program Office** has staff available to provide information and assist with the completion of Domestic Violence forms. The office is located at the **Lamoreaux Justice Center, 6th Floor.**

Court Self-Help Centers are available at the Justice Centers listed below, to provide procedural assistance and to review your documents for completeness.

Lamoreaux Justice Center
1st Floor
341 The City Drive
Orange, CA

Central Justice Center
1st Floor
700 Civic Center Drive
Santa Ana, CA

Harbor Justice Center -
Laguna Hills
2nd Floor, Room 202
23141 Moulton Pkwy
Laguna Hills, CA

North Justice Center
3rd Floor, Room 360
1275 N. Berkeley Ave.
Fullerton, CA

Revised 12/24/2012

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.

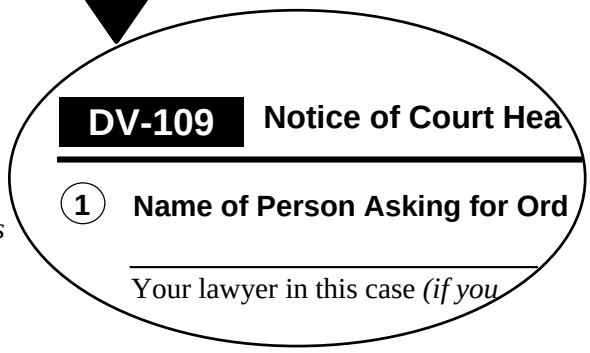
DV-505-INFO How Do I Ask For a Temporary Restraining Order?

1 Use this form as a checklist.

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

a. For a restraining order you need:

- ☐ 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:

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

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

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

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

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

e. 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 person is ordered not to go (school, work, child care, etc.)
- Give a copy to the security officers in your apartment building and workplace.

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

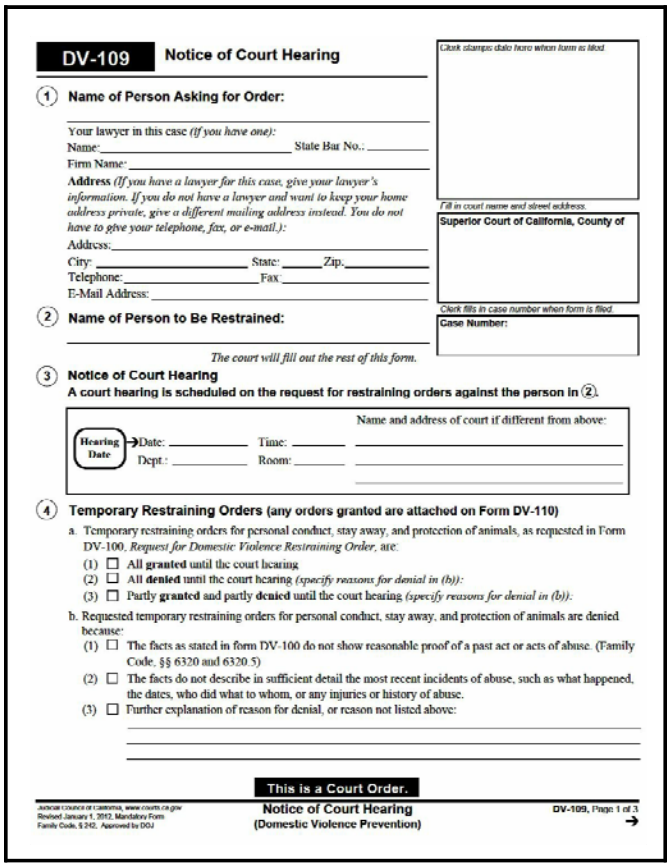
5 Know your hearing date: Form DV-109

Look at Form DV-109 for the date and time of your hearing.

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

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

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



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.courts.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 person.

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

- Be 18 years of age or older
- Not be 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 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).

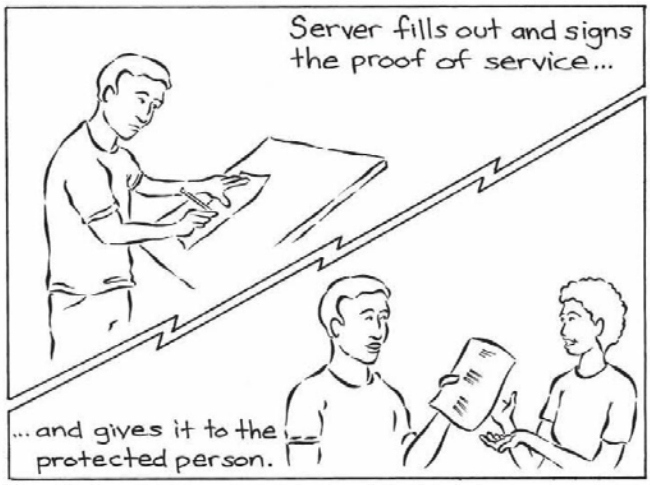
The *Proof of Personal Service* shows the judge and police that the restrained person got a copy of the request for orders. Make three copies of the completed *Proof of Personal Service*. Take the original and copies to the court clerk as soon as possible **before your hearing.** The clerk will keep 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 person wasn't served . . .

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



If the judge signs Form DV-116, any restraining orders will last until the new hearing date.

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

10 Need more help?

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

Save This Form Print This Form

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name & Address)*: TELEPHONE NO.: FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR *(Name)*: BAR NO.:	*FOR COURT USE ONLY*
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE JUSTICE CENTER: ☐ Central - 700 Civic Center Dr. West, Santa Ana, CA 92701-4045 ☐ Lamoreaux - 341 The City Drive, Orange, CA 92868-3205	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	
FAMILY LAW NOTICE RE RELATED CASE	CASE NUMBER:

The parties must file this form with the Superior Court of Orange County, when a family law case is filed with the Court and when a party discovers that there is a related case. **A related case means one or both parties and/or minor children of the parties are involved in other cases**. Examples of related cases include another family law case, a domestic violence case, a child support collection case, a criminal case, and a juvenile case involving a minor child of one or both of the parties.

Fill in the requested information:

1. I also used the name(s): _____

   _____

2. The other party's name is: _____;

   He/She has also used the name(s): _____

   _____

3. ☐ Other court cases involving either party or a child of either party:
   (If known, please include the case numbers)

	Case Number	Case Name	Court Location/ Justice Center	Person Involved
a.				
b.				
c.				
d.				

4. ☐ There are no other court cases involving either party or a child of either party.

Date:

_____ (TYPE OR PRINT NAME OF PARTY OR ATTORNEY)

_____ (SIGNATURE OF PARTY OR ATTORNEY)

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name & Address)*: TELEPHONE NO.: FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR *(Name)*: BAR NO.:	*FOR COURT USE ONLY*
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE JUSTICE CENTER: ☐ Central – 700 Civic Center Dr. West, Santa Ana, CA 92701-4045 ☐ Lamoreaux - 341 The City Drive, Orange, CA 92868-3205	
PETITIONER/PROTECTED PARTY: RESPONDENT/RESTRAINED PARTY:	
DECLARATION RE: NOTICE OF EX PARTE APPLICATION (FAMILY LAW)	CASE NUMBER:

Use one form for each person to whom notice was given.

I, _____, declare that:
(PRINT NAME)

(Check and complete section 1 below if notice was given to the opposing party regarding the ex parte application. Check and complete section 2 below if notice was not given.)

1. ☐ **I informed the other party** in this action, *(list party)*: _____, that I would be seeking a ☐ temporary restraining order ☐ other ex parte hearing *(specify)* _____.

   a. Date and time informed: _____

   b. How informed:

      (1) ☐ By telephone *(name)*:_____

      (2) ☐ By telephone to the attorney *(name)*:_____

      (3) ☐ By personally informing *(name)*:_____

      (4) ☐ Other: _____

   c. **I informed the person listed above** that he/she should appear at the following location on *(date)* _____ _____ at *(time)* _____ if he/she wished to be heard by the court:

      (1) ☐ Dept. _____ located at Lamoreaux Justice Center, 341 The City Drive, Orange, CA 92868

      (2) ☐ Dept. _____ located at Central Justice Center, 700 Civic Center Drive West, Santa Ana, CA 92701

      (3) ☐ Family Law Clerk's Office located at Lamoreaux Justice Center, 341 The City Drive, 7th Floor, Orange, CA 92868 (Give notice to appear in the Family Law Clerk's Office if no courtroom has been assigned.)

2. ☐ **I have not given notice to the other party** in this action for the following reason (Include any attempts made, if you were unable to serve):

   _____

   _____

   _____

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

Date:

_____
(SIGNATURE OF DECLARANT)

INFORMATION SHEET—EX PARTE MATTERS

NOTICE REQUIREMENTS

ALL EX PARTE APPLICATIONS EXCEPT DOMESTIC VIOLENCE, ELDER AND DEPENDENT ADULT ABUSE MATTERS AND DISCOVERY MOTIONS.

Notice must be given by telephone or in writing to the self-represented party or to the opposing attorney so that it is received not later than **10:00 a.m.** on the **court day before the ex parte matter will be presented to the judicial officer.** A party may request the notice be waived by writing a declaration signed under penalty of perjury which explains facts showing good cause not to give the notice. A judicial officer may approve a waiver of notice for good cause.

EX PARTE APPLICATIONS WHICH INVOLVE DOMESTIC VIOLENCE, ELDER ABUSE, OR DEPENDENT ADULT ABUSE MATTERS

Notice must be given by telephone or in writing to the self-represented party or to the opposing attorney so that it is received not later than **four (4) hours** before the time **the ex parte matter will be presented to the judicial officer.** A party may request the notice be waived by writing a declaration signed under penalty of perjury which explains facts showing good cause not to give the notice. A judicial officer may approve a waiver of notice for good cause.

ALL EX PARTE APPLICATIONS

1. Notice of the Ex Parte Application must include:
   a. A statement of the relief being requested from the court (example: a request to continue the trial; a restraining order is requested)
   b. A statement that the opposing party is entitled to attend the court hearing in person or by an attorney when the Ex Parte Application is presented to the court
   c. The name and address of the court where the Ex Parte Application will be presented.
      (1) If a case is *not* previously assigned to a specific judicial officer, the notice must instruct the responding party to appear at a specific time in the Family Law Clerk's Office (7th Floor) at Lamoreaux Justice Center, 341 The City Drive, Orange, California 92868. The Clerk's Office will direct the parties to the appropriate courtroom.
      (2) If a case is previously assigned to a judicial officer for all purposes, then the notice must instruct the responding party to appear in that Department at a specific time and date.
         (a) Departments beginning with the letter "C" are located at Central Justice Center, 700 Civic Center Drive West, Santa Ana, California 92701.
         (b) Departments beginning with the letter "L" are located at Lamoreaux Justice Center, 341 The City Drive, Orange, California 92868.
2. Ex parte family law discovery motions are governed by rule 3.1203(a) of the California Rules of Court.

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-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.

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.

Fill in court name and street address:

Superior Court of California, County of

Clerk fills in case number when form is filed.

Case Number:

1 Name of person asking for protection:

_____ 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 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, Children Under 18" for a title.*

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

This is not a Court Order.

Case Number:

5 Other Court Cases

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

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

Kind of Case	County or Tribe Where Filed	Year Filed	Case Number *(if known)*
☐ 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.*

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

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

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, 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 school
☐ My vehicle
☐ The children's school or child care
☐ Each person listed in 3
☐ Other *(specify)*: _____

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

_____

8 ☐ Move-Out Order

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

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

_____

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

_____

This is not a Court Order.

Case Number:

9 Guns or Other Firearms and 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 a 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 ☐ Animals: Possession and Stay-Away Order

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

_____

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

_____

12 ☐ Child Custody and Visitation

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

b. ☐ I have a 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.

This is not a Court Order.

Case Number:

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 fill out, file, and serve Form FL-150,* Income and Expense Declaration, *before your hearing).*

18 ☐ 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.*

19 ☐ 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: $_____

20 ☐ Batterer Intervention Program

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

21 ☐ Other Orders

What other orders are you asking for? _____

_____

_____

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

22 ☐ Time for Service (Notice)

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?"

_____

_____

_____

23 No Fee to Serve (Notify) Restrained Person

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

24 Court Hearing

The court will schedule a hearing on your 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.

This is not a Court Order.

Case Number:

25 Describe Abuse

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

a. Date of most recent abuse: _____

b. Who was there? _____

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

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

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

e. Describe any injuries: _____

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

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

26 Other Persons to Be Protected

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

27

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

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

Date: _____

_____ ▶ _____
Type or print your name *Sign your name*

Date: _____

_____ ▶ _____
Lawyer's name, if you have one *Lawyer's signature*

This is not a Court Order.

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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.

SHORT TITLE:	CASE NUMBER:

ATTACHMENT *(Number):* _____

(This Attachment may be used with any Judicial Council form.)

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

(Add pages as required)

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

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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 the 2nd most recent abuse.**

a. Date of 2nd most recent 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.

Case Number:

4 **Describe other recent abuse.**

a. Date of other recent 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 other abuse against 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.*

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

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.

DV-105 Request for Child Custody and Visitation Orders

Case Number:

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

Check the orders you want ☑.

1 Your name: _____ ☐ Mom ☐ Dad ☐ Other*

2 Other parent's name: _____ ☐ Mom ☐ Dad ☐ Other*

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

3 ☐ Child Custody

I ask the court for custody as follows:

Child's Name	Date of Birth	**Legal Custody to:** *(Person who makes decisions about health, education, and welfare)* Mom	Dad	Other	**Physical Custody to:** *(Person you want the child to live with)* Mom	Dad	Other
a. _____	_____	☐	☐	☐	☐	☐	☐
b. _____	_____	☐	☐	☐	☐	☐	☐
c. _____	_____	☐	☐	☐	☐	☐	☐
d. _____	_____	☐	☐	☐	☐	☐	☐

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

4 ☐ Change Current Court Order

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

Case Number *(if you have it)*: _____ *County:* _____

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

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

5 Child's Address

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

Child 3(a) addresses *(city and state)*:	Child 3(a) lived with: Mom	Dad	Other	Dates lived there:
☐ Confidential _____	☐	☐	☐	From _____ to present
_____	☐	☐	☐	From _____ to _____
_____	☐	☐	☐	From _____ to _____
_____	☐	☐	☐	From _____ to _____

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

This is not a Court Order.

Case Number:

6 Other Children's Addresses

☐ Check here if the other child's (or children's) address information is the same as listed in 5 .

☐ *If it is different, check here. Attach a sheet of paper and write "DV-105, Other Children's Addresses" for a title. List other children's address information, including dates, and name of person child lived with.*

7 Other Custody Case

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

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

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

_____

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

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

d. Court *(name):* _____
Address: _____ County: _____ State: _____

e. Date of court order: _____

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

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

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

Name and address of that person:

_____

☐ Has custody ☐ Claims custody rights ☐ Claims visitation rights

For these children *(name of each child):*

_____

_____

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

9 ☐ Visitation

I ask the court to order that the person in 2 have the following temporary visitation rights:
(Check all that apply)

a. ☐ No visitation until the hearing

b. ☐ No visitation after the hearing

c. ☐ The following visitation ☐ until the hearing ☐ after the hearing

(1) ☐ **Weekends** *(starting):* _____ *(The 1st weekend of the month is the 1st weekend with a Saturday.)*
☐ 1st ☐ 2nd ☐ 3rd ☐ 4th ☐ 5th weekend of month
from _____ at _____ ☐ a.m. ☐ p.m. to _____ at _____ ☐ a.m. ☐ p.m.
(day of week) *(time)* *(day of week)* *(time)*

(2) ☐ **Weekdays** *(starting):* _____
from _____ at _____ ☐ a.m. ☐ p.m. to _____ at _____ ☐ a.m. ☐ p.m.
(day of week) *(time)* *(day of week)* *(time)*

This is not a Court Order.

Case Number:

10 ☐ Other Visitation

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

11 ☐ Responsibility for Transportation

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

I ask the court to order that:

a. ☐ Mom ☐ Dad ☐ Other *(name):* _____ **take children to** the visits.

b. ☐ Mom ☐ Dad ☐ Other *(name):* _____ **pick up children from t**he visits.

c. ☐ Drop-off / pick-up of children will be at *(address):* _____

d. ☐ Check here if other arrangement. Attach a sheet of paper and write *"DV-105, Responsibility for Transportation"* for a title.

12 ☐ Supervised Visitation

a. I ask that the visitation in 9 be supervised by

☐ A professional supervisor ☐ A non-professional supervisor ☐ Other _____

Name and telephone number, if known: _____

b. I ask that the visitation in 10 be supervised by

☐ A professional supervisor ☐ A non-professional supervisor ☐ Other _____

Name and telephone number, if known: _____

c. I ask that any costs for supervision be paid by:

Mom _____% Dad _____% Other *(name)* _____ _____%

13 ☐ Travel With Children

I ask the court to order that:

☐ Mom ☐ Dad ☐ Other *(name):* _____ ***must*** have written permission from the other parent, or a court order, to take the children outside of:

a. ☐ The State of California ☐ County of: _____

b. ☐ Other place(s) *(list):* _____

14 ☐ Child Abduction Risk

☐ I believe that there is a risk the other parent will take our child out of California and hide the child from me.

If you check this box you must fill out and attach Form DV-108, Request for Order: No Travel with Children.

Important Instructions

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

This is not a Court Order.

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

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DV-140 Child Custody and Visitation Order

Case Number:

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

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

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

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

The Court Orders:

3 ☐ **Child Custody** is ordered as follows:

Child's Name	Date of Birth	**Legal Custody to:** *(Person who makes decisions about health, education. Check at least one.)* Mom	Dad	Other*	**Physical Custody to:** *(Person the child lives with. Check at least one.)* Mom	Dad	Other*
a. _____	_____	☐	☐	☐	☐	☐	☐
b. _____	_____	☐	☐	☐	☐	☐	☐
c. _____	_____	☐	☐	☐	☐	☐	☐

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

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

4 ☐ **Child Visitation** is ordered as follows:

a. ☐ No visitation to ☐ Mom ☐ Dad ☐ Other *(name):* _____

b. ☐ See the attached _____ - page document, dated: _____

c. ☐ The parties must go to mediation at: _____

d. ☐ Until the next court order, visitation for ☐ Mom ☐ Dad ☐ Other *(name):* _____ will be:

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

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

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

(2) ☐ **Weekdays** *(starting):* _____

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

(3) ☐ **Other Visitation**

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

5 ☐ **Supervised Visitation or Exchange**

Visits and/or exchanges of children are supervised as specified on Form DV-150, *Supervised Visitation and Exchange Order*.

This is a Court Order.

Case Number:

6 ☐ Responsibility for Transportation for Visitation

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

a. ☐ Mom ☐ Dad ☐ Other *(name):* _____ **take children to** the visits.

b. ☐ Mom ☐ Dad ☐ Other *(name):* _____ **pick up children from** the visits.

c. ☐ Drop-off / pick-up of children will be at *(address):*

_____

7 ☐ Travel with Children

☐ Mom ☐ Dad ☐ Other *(name):* _____ ***must*** have written permission from the other parent, or a court order, to take the children outside of:

a. ☐ The State of California

b. ☐ The United States of America

c. ☐ Other place(s) *(list):* _____

8 ☐ Child Abduction

There is a risk that one of the parents will take the children out of California without the other parent's permission. ☐ The orders in Form DV-145, *Order: No Travel with Children,* are attached and must be obeyed. *(Fill out and attach Form DV-145 to this form.)*

9 ☐ Other Orders

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

10 Jurisdiction

This court has jurisdiction to make child custody orders in this case under the Uniform Child Custody Jurisdiction and Enforcement Act (part 3 of the California Family Code starting with § 3400).

11 Notice and Opportunity to Be Heard

The responding party was given reasonable notice and an opportunity to be heard as provided by the laws of the State of California.

12 Country of Habitual Residence

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

13 Penalties for Violating This Order

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

14 Duration of Child Custody, Visitation, and Support Orders

If this form is attached to Form DV-130 *(Restraining Order After Hearing),* the custody and visitation orders in this form remain in effect after the restraining orders on Form DV-130 end.

This is a Court Order.

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

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DV-110 Temporary Restraining Order

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

Clerk stamps date here when form is filed.

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.

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: _____
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 Expiration Date

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

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

This is a Court Order.

Case Number:

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, 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 as needed to serve Form DV-120 *(Response to Request for Domestic Violence Restraining Order)* or other legal papers is allowed and does not violate this order.

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

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

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

☐ The person in 1
☐ The persons in 3
☐ Home of person in 1
☐ The job or workplace of person in 1
☐ Vehicle of person in 1
☐ School of person in 1
☐ The children'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.

Case Number:

9 No Guns or Other Firearms or Ammunition

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

b. You must:

- Sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms within your immediate possession or control. This must be done within 24 hours of being served with this order.
- File a receipt with the court within 48 hours of receiving this order that proves guns have been turned in or sold. (You may use Form DV-800, *Proof of Firearms Turned In or Sold*, for the receipt.)

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

10 Record Unlawful Communications

☐ **Not requested** ☐ **Denied 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:**

You and the person in 1 must follow the orders listed in attached Form DV-140, *Child Custody and Visitation Order*. The parent with temporary custody of the child must not remove the child from California until a noticed hearing *(Family Code Section 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 and things:

_____

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.

Case Number:

17 Spousal Support
Not ordered now but may be ordered after a noticed hearing.

18 Lawyer's Fees and Costs
Not ordered now but may be ordered after a noticed hearing.

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

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

21 Other Orders ☐ **Not requested** ☐ **Denied 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.

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

Date: _____ _____

Judge (or Judicial Officer)

Warnings and Notices to the Restrained Person in 2

You Cannot Have Guns, Other Firearms or Ammunition

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this order is in effect. If you do, you can go to jail and pay a $1,000 fine. You must sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms that you have or control as stated in item 9 above. The court will require you to prove that you did so.

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

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

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 not correct, or to know if the orders were made permanent, contact the court.

This is a Court Order.

Case Number:

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 your paycheck. Child support can be a lot of money, and usually you have to pay until the child is age 18. File and serve a *Financial Statement* (Simplified) (Form FL-155) or an *Income and Expense Declaration* (Form FL-150) so the judge will have information about your finances.
- **Spousal support:** File and serve an *Income and Expense Declaration* (Form FL-150) so the judge will have information about your finances. Otherwise, the court may make support orders without hearing from you.

Instructions for Law Enforcement

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

Arrest Required If Order Is Violated

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

Certificate of Compliance With VAWA

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

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate
[seal]

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

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

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-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

DV-109 Notice of Court Hearing

Clerk stamps date here when form is filed.

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.

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.

Case Number:

5 Service of Documents and Time for Service—for Person in 1

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

a. Form DV-100, *Request for Domestic Violence Restraining Order,* (file-stamped) with applicable attachments

b. ☐ Form DV-110, *Temporary Restraining Order* (file-stamped) with applicable attachments **if granted by the judge**

c. Form DV-120, *Response to Request for Domestic Violence Restraining Order* (blank form)

d. Form DV-250, *Proof of Service by Mail* (blank form)

e. ☐ 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 5 on the other person.
- If you want to keep the hearing date, you must have all of the documents listed in item 5 served on the other person within the time listed in item 5.
- At the hearing, the judge will consider whether denial of any requested orders will jeopardize your safety and the safety of children for whom you are requesting custody or visitation.
- You must come to the hearing if you want the judge to make restraining orders 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.

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-210-INFO, *What Is "Proof of Personal Service"?*
- If you are unable to serve the person in 2 in time, you may ask for more time to serve the documents. Read Form DV-115-INFO, *How to Ask for a New Hearing Date.*

This is a Court Order.

Case Number:

To the Person in ❷

- 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 forms must fill out a proof of service form. Form DV-250, *Proof of Service by Mail*, may be used. File the completed form with the court before the hearing and bring it with you to the hearing.
- For information about responding to a restraining order and filing your answer, read Form DV-120-INFO, *How Can I Respond to a Request for Domestic Violence Restraining Order?*.
- Whether or not you respond in writing, go to the court hearing if you want the judge to hear from you before making orders. 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). (Civil Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate

[seal]

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

Date: _____ Clerk, by_____, Deputy

This is a Court Order.

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-200 Proof of Personal Service

Clerk stamps date here when form is filed.

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.

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 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 person in 2. (You cannot send them by mail.) Then complete and sign this form, and give or mail it to the person in 1.

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

a. ☐ DV-109 with DV-100 and a blank DV-120 *(Notice of Court Hearing; Request for 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 and Reissue Temporary Restraining Order)*

g. ☐ DV-116 *(Notice of New Hearing Date and Order on Reissuance)*

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

i. ☐ Other *(specify)*: _____

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

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

c. At this address: _____

City: _____ State: _____ Zip: _____

6 Server's Information

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

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

Date: _____

_____ *Type or print server's name*

▶ _____ *Server to sign here*

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

What is "service"?

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

Service lets the other person know:

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

Why do I have to get the orders served?

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

Don't serve it by mail!

Who can serve?

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

The server must**:**

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

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

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

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

How to Serve

Ask the server to:

- Walk up to the person to be served.
- Make sure it's the right person. Ask the person's name.
- Give the person copies of all papers checked on Form DV-200, *Proof of Personal Service.*
- Fill out and sign Form DV-200.
- Give the signed Form DV-200 to you.

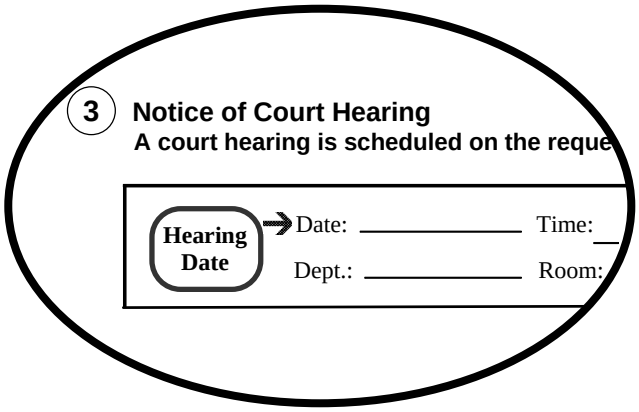
What if the person won't take the papers or tears them up?

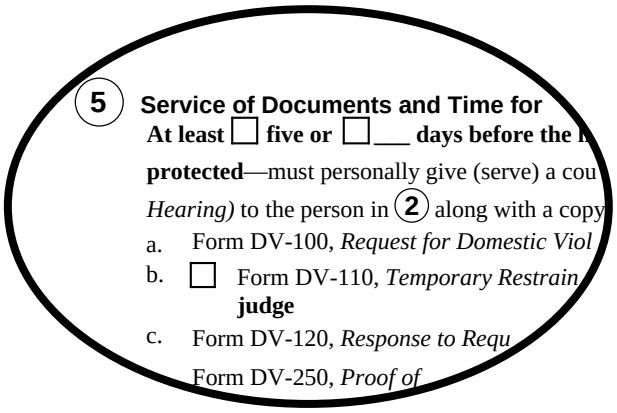
- If the person won't take the papers, just leave them near him or her.
- It doesn't matter if the person tears them up.

When do the orders have to be served?

It depends. To know the exact date, you have to look at two things on Form DV-109:

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


3 Notice of Court Hearing
A court hearing is scheduled on the reque
Hearing Date
Date: _____ Time: __
Dept.: _____ Room:


5 Service of Documents and Time for
At least ☐ five or ☐ ___ days before the h
protected—must personally give (serve) a cou
Hearing) to the person in 2 along with a copy
a. Form DV-100, Request for Domestic Viol
b. ☐ Form DV-110, Temporary Restrain
judge
c. Form DV-120, Response to Requ
Form DV-250, Proof of

Look at a calendar. Subtract the number of days in item 5 from the hearing date. That's the final date to have the orders served. It's always OK to serve earlier than that date.

If nothing is written in item 5 you must have the papers served at least 5 days before the hearing.

Who signs the *Proof of Personal Service*?

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

What happens if I cannot get the papers served before the hearing date?

Before your hearing, fill out and file a *Request to Continue Hearing and Reissue Temporary Restraining Order* (Form DV-115) and *Notice of New Hearing Date and Order on Reissuance* (Form DV-116). These forms ask the judge for a new hearing date and make any temporary orders last until then. Ask the clerk for the forms or go to *www.courts.ca.gov*.

You ***must*** attach a copy of Form DV-115 and DV-116 to a copy of your original order. That way, the police will know your orders are still in effect. And the restrained person will be served with notice of the new hearing date. For more information on getting a new hearing date, read Form DV-115-INFO, *How to Ask for a New Hearing Date.*

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

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

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

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

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

Domestic Violence Booklet

This packet contains the forms necessary to initiate the DV process. **Please browse through "Additional Forms and Information"** to see if any other forms are needed for your case. Especially in matters in which children are involved or support is an issue.

Reminder:

- National Domestic Violence Hotline: 800-799-SAFE (7233)
- All documents must be typed or printed neatly. Please use black ink.
- **Domestic Violence papers are accepted at the Lamoreaux Justice Center, 7th Floor, Family Law Clerk's Office.**

The **Domestic Violence Assistance Program Office** has staff available to provide information and assist with the completion of Domestic Violence forms. The office is located at the **Lamoreaux Justice Center, 6th Floor**.

Revised 12/24/2012