

MADERA COUNTY SUPERIOR COURT STATE OF CALIFORNIA

<http://www.madera.courts.ca.gov/>

RESPONDING TO A DOMESTIC VIOLENCE RESTRAINING ORDER – PACKET

Attached you will find the forms to respond to a Request for Domestic Violence Restraining Order. The packet includes a [Form DV-120-INFO](#) How Can I Respond to a Request for Domestic Violence Restraining Order, [Form DV-120](#) Response to Temporary Restraining Order, [Form DV-250](#) Proof of Service by Mail, [Form DV-800-INFO](#) How do I Turn In, Sell, or Store My Firearms?, DV-800 Proof of Firearms Turned In, Sold or Stored, DV-805 Proof of Enrollment for Batterer Intervention Program. You do not need to complete all the forms included, but we have provided additional forms to better assist you.

1. Carefully read the DV-120-INFO How Can I Respond to a Request for Domestic Violence Restraining Order before you complete your Response.
2. Complete [Form DV-120](#) Response to Temporary Restraining Order.
3. Make 2 copies of Form DV-120 Response to Temporary Restraining Order, and any other attachments you included. One copy will be for you; another copy will be for the protected person. The original is for the court.
4. You must have someone over the age of 18 (NOT YOU) serve by mail a copy of your Response to the other party. The person who mails the copy to the other party must complete the [DV-250](#) Proof of Service by Mail for you. You must file both original DV-120 Response to Temporary Restraining Order and DV-250 Proof of Service by Mail with the Civil Clerk.
5. **Do not miss your hearing! If you miss it, the judge can make the orders without hearing from you.**

For more information you can go online @ <http://www.courts.ca.gov/selfhelp-domesticviolence.htm>

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]

Clerk stamps date here when form is filed.

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: _____

Fill in court name and street address:

Superior Court of California, County of
MADERA
200 S G Street
Madera, CA 93637

Civil Division

Fill in case number:

Case Number:**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.

Case Number:

25

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

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

26

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 _____

Date: _____

Lawyer's name, if you have one

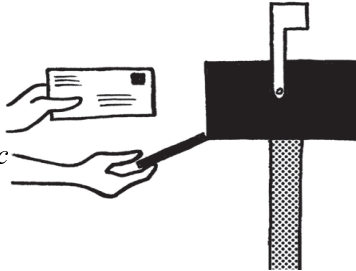
This is not a Court Order.

Clerk stamps date here when form is filed.

1 Name of Person Asking for Protection:**2 Name of Person to Be Restrained :****3 Notice to Server**

The server must:

- Be 18 years of age or over.
- Not be listed in items ① or ② 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.



Fill in court name and street address:

Superior Court of California, County of

MADERA
200 S G Street
Madera, CA 93637
Civil Division
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): _____

Fill in case number:

Case Number:**Note: You cannot serve DV-100, DV-105, DV-109, or DV-110 by mail.****5** I placed copies of the documents checked above in a sealed envelope and mailed them as listed 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

1 What is a firearm?

A firearm is a

- Handgun
- Shotgun
- Rifle
- Assault Weapon

**2 If you own or have a firearm, you must:**

- Turn it in to local law enforcement, *or*
- Sell it to, or store it with, a licensed gun dealer.

3 How do I sell or store my firearm?

Find a licensed gun dealer in your area.

Look under “Firearms Dealers” in your local Yellow Pages or on the Internet. Make sure the dealer is licensed.

4 How do I take my firearm to law enforcement?

Call your local law enforcement agency to ask about their procedures. Take a copy of the restraining order with you. Go directly to the law enforcement agency. Do not go anywhere else with firearms in your vehicle!

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

Ask the law enforcement agency.

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

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

7 Do I have to pay the law enforcement agency to keep my firearm?

You may have to pay the agency for keeping your firearm.

Contact your local law enforcement agency and ask if a fee is charged. The agency will tell you how much you need to pay.

8 Questions?

Call your local law enforcement agency:

[insert local information here]

DO:

- unload your firearm.
- put your firearm in the trunk.
- call ahead to the law enforcement agency.

DO NOT:

- bring a loaded firearm to the law enforcement agency.
- bring ammunition with the firearm when you turn it in.
- put your firearm in a locked glove compartment.
- bring a firearm to court.

Clerk stamps date here when form is filed.

1 Protected Person

Name: _____

2 Restrained Person

a. Your Name: _____

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give 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
MADERA
200 S G Street
Madera, CA 93637****Civil Division**

Court fills in case number when form is filed.

Case Number:**3 To the Restrained Person:**

If the court has ordered you to turn in, sell, or store your firearms, you may use this form to prove to the court that you have obeyed its orders. When you deliver your unloaded weapons, ask the law enforcement officer or the licensed gun dealer to complete item (4) or (5) and item (6). After the form is signed, file it with the court clerk. Keep a copy for yourself. For help, read form DV-800-INFO/JV-252-INFO, *How Do I Turn In, Sell, or Store My Firearms?*

4 To Law Enforcement

Fill out items (4) and (6) of this form. Keep a copy and give the original to the person who turned in the firearms.

The firearms listed in (6) were turned in on:

Date: _____ at: _____ ☐ a.m. ☐ p.m.To: _____
Name and title of law enforcement agent

Name of law enforcement agency

Address

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

► Signature of law enforcement agent

5 To Licensed Gun Dealer

Fill out items (5) and (6) of this form. Keep a copy and give the original to the person who sold the firearms or stored them with you.

The firearms listed in (6) were

☐ sold to me ☐ transferred to me for storage on:Date: _____ at: _____ ☐ a.m. ☐ p.m.To: _____
Name of licensed gun dealer

License number

Telephone

Address

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

► Signature of licensed gun dealer

Case Number:

6 Firearms

	<u>Make</u>	<u>Model</u>	<u>Serial Number</u>
a.			
b.			
c.			
d.			
e.			

☐ Check here if you turned in, sold, or stored more firearms. Attach a sheet of paper and write "DV-800/JV-252, Item 6—Firearms Turned In, Sold, or Stored" for a title. Include make, model, and serial number of each firearm. You may use form MC-025, Attachment.

7 Do you have, own, possess, or control any other firearms besides the firearms listed in **6**? ☐ Yes ☐ No

If you answered yes, have you turned in, sold, or stored those other firearms? ☐ Yes ☐ No
If yes, check one of the boxes below:

a. ☐ I filed a *Proof of Firearms Turned In, Sold, or Stored* for those firearms with the court on (date):

b. ☐ I am filing the proof for those firearms along with this proof.

c. ☐ I have not yet filed the proof for the other firearms. (explain why not):

☐ Check here if there is not enough space below for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 7c" for a title.

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

Date: _____

Type or print your name

▶ _____
Sign your name

Clerk stamps date here when form is filed.

1 Protected Person

Name: _____

2 Restrained Person

a. Your Name: _____

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may 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
MADERA
200 S G Street
Madera, CA 93637

Civil Division**

Court fills in case number when form is filed.

Case Number:**3 To the Restrained Person:**

If the court has ordered you to complete a 52-week batterer intervention program, you must complete and file this form to prove to the court that you have obeyed its orders. After the order is made, you must enroll in a program by the date ordered by the judge. If the judge did not order you to enroll by a certain date, then you must enroll no later than 30 days after the judge made the order.

I, _____, declare as follows:
Type or print your name

a. I have enrolled in a batterer intervention program that is approved by the probation department under Penal Code section 1203.097.

Name of provider: _____

Address: _____

Telephone number: _____

b. I have signed all necessary forms with the program, allowing the program to release proof of enrollment, attendance records, and completion or termination reports to the court and the protected party, or his or her attorney.

c. ☐ My first class is/was on (date):d. ☐ Other (list any other order made by the court that you have completed):_____

4 You must provide the protected party with the information listed in 3a. Have someone else mail a copy of this form to the protected person. The person who mails it must complete Form DV-250. File Form DV-250 with the clerk and keep a copy for yourself.

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

Date: _____

_____
Sign your name