

DV-130

Restraining Order After Hearing (Order of Protection)

Clerk stamps date here when form is filed.

Original Order Amended Order

① **Protected Person** (name): HANNA MARS

Filed

June 17, 2024

Clerk of the Court

Superior Court of CA

County of Santa Clara

22FL003144

By: limasa

② **Restrained Person**

*Full Name: KOSTIANTYN/CONSTANTINE MARS

*Gender: M F Nonbinary *Race: White

*Age: 36 (estimate, if age unknown.) Date of Birth: 4/20/1987

Height: 6'0" Weight: 230

Hair Color: Light Brown Eye Color: Grey/Green

Relationship to person in ①: Spouse

Address of restrained person: Unknown home address

City: _____ State: _____ Zip: _____

Fill in court name and street address:

Superior Court of California, County of
Santa Clara
201 N. First Street
191 N. First Street
San Jose, CA 95113
Family Justice Center

Clerk fills in case number when form is filed.

Case Number:
22FL003144

③ **Other Protected People**

In addition to the person in ①, the following persons are protected by orders as indicated in items ⑪ through ⑯.

Full name	Relationship to person in ①	Age
<u>Maksym Mars</u>	<u>Son</u>	<u>8</u>

Check here if you need to list more people. List them on a separate piece of paper, write "DV-130, Other Protected People" at the top, and attach it to this form.

④ **Expiration Date**

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

(date): June 17, 2027 at (time): _____ a.m. p.m. or midnight

*Custody, visitation, child support, and spousal support orders remain in effect after the restraining order ends. Custody, visitation, and child support orders usually end when the child is 18.

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

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

This is a Court Order.

5 **Hearing**

- The hearing was on (*date*): June 17, 2024 with (*name of judicial officer*): Hon. Stephen Lowney
- These people were at the hearing (*check all that apply*):
 The person in ① The lawyer for the person in ① (*name*): Nancy L. Roberts
 The person in ② The lawyer for the person in ② (*name*): _____

6 Future Court Hearing



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

Date: _____ Department: _____

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

To the Person in ②

The court has granted a long-term restraining order. See ⑦ through ⑨. If you do not obey these orders, you can be charged with a crime, go to jail or prison, and/or pay a fine. It is a felony to take or hide a child in violation of this order.

7 **No Firearms (Guns), Firearm Parts, or Ammunition**

- You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get any prohibited item listed below in b.
- Prohibited items are**
 - Firearms;
 - Firearm parts, meaning receivers, frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531); and
 - Ammunition.
- Within 24 hours of receiving this order, you must sell to or store with a licensed gun dealer, or turn in to law enforcement, any prohibited items you have in your immediate possession or control.
- If law enforcement asks you for your prohibited items, you must turn them over immediately.
- Within 48 hours of receiving this order, you must file a receipt with the court that proves all prohibited items have been turned in, sold, or stored. (You may use form DV-800/JV-270, *Receipt for Firearms, Firearm Parts, and Ammunition*.) If law enforcement served you with the restraining order, you must give a copy of the receipt to that law enforcement agency.
- Limited Exemption:** The judge has made the necessary findings to grant an exemption under Family Code section 6389(h). Under California law, the person in ② is not required to relinquish this firearm (*make, model, and serial number of firearm*): _____ but must only have it during scheduled work hours and to and from their place of work. Even if exempt under California law, the person in ② may be subject to federal prosecution for possessing or controlling a firearm.

This is a Court Order.

8 **Restrained Person Has Prohibited Items**

The court finds that you have the following prohibited items:

a. Firearms and/or firearm parts

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

b. Ammunition

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

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

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

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

b. Notify Law Enforcement

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

c. Notify Prosecutor

The court will immediately notify the following prosecuting agency of this violation
(prosecuting agency): _____

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

You must attend the court hearing in ⑥ to prove that you have properly turned in, sold, or stored all prohibited items (described in ⑦ b) you still have or own, including any items listed in ⑧. If you do not attend the court hearing listed in ⑥, a judge may find that you have violated the restraining order and notify law enforcement and a prosecuting attorney of the violation.

This is a Court Order.

11 Cannot Look for Protected People

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

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

12 Order to Not Abuse

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

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

13 No-Contact Order

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

b. Exception to 13a:

(1) You may have brief and peaceful contact with the person in ① to only communicate about your children for court-ordered visits.

(2) You may have contact with your children only during court-ordered contact or visits.

(3) Other (explain): _____

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

This is a Court Order.



14 Stay-Away Order

a. You must stay at least (*specify*): 300 yards away from (*check all that apply*):

- | | |
|--|---|
| <input checked="" type="checkbox"/> Person in ①. | <input type="checkbox"/> School of person in ①. |
| <input checked="" type="checkbox"/> Home of person in ①. | <input checked="" type="checkbox"/> Persons in ③. |
| <input checked="" type="checkbox"/> Job or workplace of person in ①. | <input checked="" type="checkbox"/> Children's school or child care. |
| <input checked="" type="checkbox"/> Vehicle of person in ①. | <input checked="" type="checkbox"/> Other (<i>specify</i>): Child's tutor |

b. Exception to 14a:

The stay-away orders do not apply:

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

15 Order to Move Out

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

16 Other Orders

The Court finds that pursuant to EC section 3044 that Petitioner has committed domestic abuse and therefore it is not in the minor child's best interest for Petitioner to have sole or joint legal or physical custody of the minor child.

17 Child Custody and Visitation Order

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

18 Protect Animals

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

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

This is a Court Order.

19 Control of Property

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

20 Health and Other Insurance

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

21 Record Communications

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

22 Property Restraint

The person in ① in ② must not transfer, borrow against, sell, hide, or get rid of or destroy any property, including animals, except in the usual course of business or for necessities of life. In addition, each person must notify the other of any new or big expenses and explain them to the court. (If the court granted the order in ⑬, the person in ② must not contact the person in ①. To notify the person in ① of new or big expenses, have a server mail or personally give the information to the person in ① or contact their lawyer, if they have one.)

23 Pay Debts (Bills) Owed for Property

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

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

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

This is a Court Order.



24 Pay Expenses Caused by the Abuse

You must pay the following:

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

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

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

25 Child Support

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

26 Spousal Support

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

27 Lawyer's Fees and Costs

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

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

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

28 Batterer Intervention Program

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

29 Transfer of Wireless Phone Account

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

This is a Court Order.

30 Service

(Check a, b, or c)

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

31 No Fee to Serve (Notify) Restrained Person

The sheriff or marshal will serve this order for free. If you want the sheriff to serve your papers, (1) complete form SER-001, *Request for Sheriff to Serve Court Papers*, and (2) give the completed form and a copy of this order to the sheriff.

32 Attached pages

All of the attached pages are part of this order.

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

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

DV-140 DV-145 DV-900 DV-314(C) FL-342 FL-343 Other: _____

6/17/2024 2:19:40 PM

Judge's Signature

Date: June 17, 2024


Judge or Judicial Officer

Hon. Stephen P. Lowney

This is a Court Order.

Certificate of Compliance With VAWA

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

Instructions for Law Enforcement

Start Date and End Date of Orders

This order starts on the earlier of the following dates:

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

This order ends on the expiration date in ④. If no date is listed, they end three years from the hearing date.

Duties of Officer Serving This Order

The officer who serves this order on the Restrained Person must do the following:

- Ask if the Restrained Person is in possession of any of the prohibited items listed in ⑦b, or has custody or control of any that they have not already turned in.
- Order the Restrained Person to immediately surrender to you all prohibited items.
- Issue a receipt to the Restrained Person for all prohibited items that have been surrendered.
- Complete a proof of personal service and file it with the court. You may use form DV-200 for this purpose.
- Within one business day of service, submit the proof of service directly into the California Restraining and Protective Order System (CARPOS), including the serving officer's name and law enforcement agency.

Enforcing the Restraining Order in California

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

Notice/Proof of Service

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

Consider the restrained person "served" (notified) if:

- The officer sees a copy of the *Proof of Service* or confirms that the *Proof of Service* is on file; or
- The restrained person attended the hearing (see ⑩) or was informed of the order by an officer. (Family Code section 6383; Penal Code section 836(c)(2).) An officer can obtain information about the contents of the order in the California Restraining and Protective Order System (CARPOS). (Family Code section 6381(b)-(c).)

This is a Court Order.

Arrest Required if Order Is Violated

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

If the Protected Person Contacts the Restrained Person

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

Child Custody and Visitation

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

Conflicting Orders—Priorities for Enforcement

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

1. **Emergency Protective Order (EPO):** If one of the orders is an *Emergency Protective Order* (form EPO-001), provisions (e.g., stay away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must be enforced.
2. **No-Contact Order:** If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. Item ⑬ is an example of a no-contact order.
3. **Criminal Protective Order (CPO):** If none of the orders include an EPO or a no-contact order, the most recent CPO must be enforced. (Family Code sections 6383(h)(2) and 6405(b)). Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Penal Code section 136.2(e)(2)). All provisions in the civil court order that do not conflict with the CPO must be enforced.
4. **Civil Restraining Orders:** If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment), then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must be enforced.

(The clerk will fill out this part.)



—

—Clerk's Certificate—

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

Date: 6/17/2024 Clerk, by /s/LImasa, Deputy

This is a Court Order.

DV-140**Child Custody and Visitation Order**Case Number:
22FL003144This form is attached to (check one): DV-110 DV-130**① Name of Protected Person:** HANNA MARSRelationship to children: Parent Legal Guardian Other (describe): _____**② Name of Restrained Person:** KOSTIANTYN/CONSTANTINE MARSRelationship to children: Parent Legal Guardian Other (describe): _____**③ Children Under 18 Years Old**a. Name: MAKSYM MARS Date of birth: 11/23/2015

b. Name: _____ Date of birth: _____

c. Name: _____ Date of birth: _____

d. Name: _____ Date of birth: _____

 (Check here if you have more children to list. On a separate piece of paper write "DV-140, Children" at the top and attach it to this form.)**④ No Travel With Children Without Permission** Person in ① Person in ② Other (name): _____

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

a. County of (list): _____b. State of Californiac. United Statesd. Other place(s) (list): _____**⑤ Stop Access to Children's School, Health, and Other Information**

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

 All the children listed in ③. Only the children listed here (names): _____

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

 Medical, dental, and mental health providers School and daycare providers Extracurricular activity providers, including summer camps and sports teams Child's employers (including volunteer and unpaid positions) Other (describe): TUTOR**① If you are a provider listed above, you must not release information or records regarding the children listed in ⑤ a to the person in ②.**

This is a Court Order.

6 Judge's Decision on Request for Orders to Prevent Child Abduction (attach form DV-145)

7 Child Custody

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

- Sole to Person in ① Jointly (shared) by persons in ① and ②.
 Sole to Person in ② Other (describe): _____

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

- Sole to Person in ① Jointly (shared) by persons in ① and ②.
 Sole to Person in ② Other (describe): _____

c. If the judge granted sole or joint custody to the person in ②, the judge must explain why.

(*For judge to complete. Check all that apply:*)

Judge's reasons given at the hearing (*See minute order or ask for the transcript.*)

Judge's reasons listed here: EC 3044 presumption that Petitioner has engaged in domestic violence and it is not in the minor child's best interest for Petitioner to have sole or joint legal or physical custody.

8 Person in ② must have no visitation with children until further order of the court.

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

9 Supervised (Monitored) Visitation with Children

a. Person to be supervised: Person in ① Person in ② by:

- Nonprofessional (*name and relationship to child, if known*): _____
 Professional (*name, if known*): _____

(1) Fees paid by: Person in ① _____ % Person in ② 100 % Other: _____ %

(2) Person in ① contact provider by (*date*): _____
Person in ② contact provider by (*date*): _____

b. Provider's contact information, if known

Address: _____ Telephone: _____

c. Schedule of supervised visits

(1) Once a week, for (*number of hours*): 2 hours _____

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

(3) Follow the Visitation Schedule listed in ⑫.

(4) Other schedule (*describe*): _____

This is a Court Order.

10 Supervised (Monitored) Child Exchanges (*Use item 11 to describe visitation schedule.*)

- a. Person to be supervised: Person in ① Person in ② by:

Nonprofessional (*name and relationship to child*): _____

Safe location for exchanges: _____

(For more information on safe locations, go to <https://selfhelp.courts.ca.gov/guide-supervised-visitation>.)

Professional (*list name, if known*): _____

(1) Fees paid by: Person in ① ____ % Person in ② ____ % Other: _____ %

(2) Person in ① contact provider by (*date*): _____

Person in ② contact provider by (*date*): _____

(3) Location of exchanges to be decided by provider.

- b. Provider's contact information, if known

Address: _____ Telephone: _____

11 Visits With No Supervision (Unmonitored)

- a. If the judge granted unsupervised visits to the person in ②, the judge must explain why.

(*For judge to complete. Check all that apply*):

Judge's reasons given at the hearing (*See minute order or ask for the transcript*.)

Judge's reasons listed here: _____

- b. Person in ① Person in ② will visit with the children as follows:

(1) Visitation schedule described below:

(2) Follow the Visitation Schedule listed in 12.

This is a Court Order.

12

Visitation Schedule for Person in ②

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

Follow the schedule listed above (check one):

Every week Every other week Other _____

Start date for visits (month, day, year) _____

13 Other Orders

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

14 Country of Habitual Residence

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

15 Jurisdiction and Notice

This court has jurisdiction to make child custody orders in this case under the Uniform Child Custody Jurisdiction and Enforcement Act (part 3 of the California Family Code starting with section 3400). The responding party was given notice consistent with the laws of the State of California.

16 Penalties for Violating This Order

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

This is a Court Order.