# **Next Steps Checklist**

## Form Preparation

* Visit your local court’s website and prepare any local forms required to request a DVRO
* Review your court forms and make corrections, if necessary
* Print, date, and sign your court forms (use blue or black ink only)
* Make at least two copies of each court form. You should have 3 sets of paperwork total:
  + 1 Set of Originals (stapled and double hole-punched at the top, for the court’s records)
  + 2 Sets of Copies (one for your records and one to have served on {{resp}})
* Ensure that your court forms and copies comply with the latest court filing requirements

## Filing

* Visit your local court’s website to see if an appointment is necessary or if there are any special requirements for filing a Request for DVRO case (For example: Can you file in-person? Electronically? Both?)
* Visit your local courthouse and file your court forms/documents with the clerk’s office
* Make sure you receive two, file-stamped (“endorsed”) copies of your forms back from the clerk
* Find out if the judge granted a Temporary Restraining Order (TRO). Call the court to fix any mistakes.
  + If the judge did not grant your TRO and you want to cancel your request for a DVRO, follow the instructions at the bottom of page 2 of form DV-109, the Notice of Court Hearing.
* If scheduled, write down your hearing information below:

**Hearing Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Hearing Time: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Hearing Location: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

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## Service

* Determine and write down your service deadline:
  + Look at the court date written on page 1 of form DV-109 (Notice of Court Hearing)
  + Look at the number of days written or checked in Item 6 on page 2 of form DV-109
  + Subtract the number of days in item 5 from the court date. If nothing is written in Item 6, you must have your court documents served at least 5 days before the hearing)

**Service Deadline: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

* Have {{resp}} served with each court document indicated under Item 6 on form DV-109, the Notice of Court Hearing, by the deadline for service
* Have your server fill out the Proof of Service (form DV-200).

*Note, if you hire a process server or have your local sheriff serve {{resp.name.first}}, they may use a different form. Ensure that it lists the court forms served, date papers were served, where they were served, time of service, and the server’s signature.* ***Your server must be 18 or older and NOT involved in your case.***

* File the completed and signed Proof of Service with the court clerk

*Note, if the court did not grant you a TRO, you must still have the Restrained Party served with your Request for DVRO paperwork by the deadline for service.* ***Law enforcement cannot enforce your TRO until you’ve filed your Proof of Service with the court to prove that {{resp.name.first}} is aware of the order.***

* Provide file-stamped copies of the Temporary Restraining Order and Proof of Service to each person and location from which the Restrained Party is ordered to stay-away
* If you cannot serve {{resp.name.first}} by your deadline for service, complete Interview Part 4.1, Request to Continue Hearing to reschedule your court hearing.
  + If you do not have enough time to request a continuance before your hearing, attend the hearing and explain that you need more time to serve {{resp.name.first}} to the judge.
  + If you feel that {{resp}} is avoiding service, read the California Judicial Council’s form DV-205-INFO regarding service evasion

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## Hearing Preparation

**Make Necessary Accommodations Before the Hearing**

* If you or a witness wants to attend the hearing remotely (by phone or video conferencing software like Zoom), check your local court’s website as soon as possible to see what you need to do to attend remotely
* Make any necessary accommodations as far in advance of the hearing as possible. For example, you may need to:
  + Arrange child care,
  + Arrange for a support person to accompany you to court,
  + Request to have many witnesses testify,
  + Request interpreters services, and/or
  + Request disability accommodations

**Gather and Understand Your Forms**

* Gather copies (electronic or hard) of all your court documents, including your file-stamped Proof of Service
* Familiarize yourself with the facts stated in your signed court documents and review any supporting documents or exhibits (evidence of abuse) you have submitted.
* Understand the relevance of each document, exhibit, and piece supporting evidence you filed. Be prepared to explain their importance to the judge in court.

**Practice Telling the Judge Which Orders You Want**

* Make a list of the orders you want (or don’t want) and practice telling the judge what you want. You may only have a few minutes to talk to the judge. If you get nervous at the hearing, you may read from your list. You may also write a statement before your hearing and read it to the judge.

**Come Prepared**

* Check if the court has issued any tentative decisions by contacting the court clerk or reviewing your court’s online department postings. Take note of any tentative decisions to gain insight into the judge's initial thoughts on your case.
* Ensure that any witnesses who are testifying on your behalf will be present in court (in person or remotely) for possible cross-examination.
* Check parking availability in advance and be prepared to spend the entire day at the courthouse if necessary.
* {{%p if requesting\_custody %}}
* Ensure you have attended court-mandated mediation prior to the hearing.
  + If you cannot attend mediation before your hearing, you may ask if the family law facilitator/custody mediator is available on the day of your hearing.
* {{%p endif %}}

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## What to Expect During Your Hearing

**If Attending the Hearing Remotely:**

* Practice using the technology (typically Zoom) before your court date.
* Make sure you have a strong internet connection and are in a private, quiet, and safe location (consider using a virtual or blurred background to keep your location private).
* Check to see if your court has a back-up phone number that you can use if you are having technical difficulties. Write this down and keep it close by before your hearing starts.

**If Attending the Hearing In-Person (at the Courthouse):**

* Arrive early to observe other cases being heard, which can provide valuable insights into the judge's preferences and the nature of proceedings.
  + If you are running late, call the court ASAP to let courtroom staff know or your case may be called and dismissed. **If you miss your hearing, your case will be dismissed and you’ll need to restart the request for restraining order process.**
* Dress appropriately in formal or business attire (conservative and professional clothing).
* Turn off your phone before entering the courtroom.
* Find the courtroom. The courtroom will be listed alongside your hearing date on the Notice of Court Hearing (form DV-109) next to either “Dept” or “Room.” If you get lost, you can ask the court security where to go.
* Do not sit near or talk to {{resp}}. If you are afraid of {{resp}}, tell the officer who is in the courtroom.
* When the courtroom opens, go in and tell the courtroom clerk or officer that you are present. When your name or case is called, go to the front of the courtroom.

**Common Court Rules and Practices:**

* Do not eat or drink during your hearing, except for water
* Do not use your phone (turn it off or silence your phone and electronics before entering the courtroom)
* Do not wear a hat or sunglasses in the courtroom
* Wait until it’s your turn to speak and do not talk over anyone or interrupt anyone who is speaking. You and Brandon will both get a chance to speak. If you have something to say and it is not your turn, let the person finish talking and then ask the judge for permission to speak
* Address the judge as “Your Honor” and maintain courtroom decorum
* Be prepared to be at court for several hours, depending on how many cases there are. Your hearing may last just a few minutes or up to an hour. You may not use your phone or computer in the courtroom, so we recommend sitting and watching other similar cases being heard before the judge or bringing reading materials to keep yourself occupied while other cases are being heard
* Note that the judge may decide on certain issues at your hearing and postpone deciding on other issues until another hearing

**Tips for the Hearing and Speaking in Court:**

* Before your hearing, provide both the judge and Brandon (or his/her lawyer) with a copy of any and all the evidence you plan to use during the hearing that was NOT filed with your Request for DVRO court documents. (Ideally, your evidence should have been submitted with your court forms/documents that you filed in support of your request for a restraining order.)
* Have extra copies or electronic versions of all filed documents in case the court needs them. Make sure you have copies for yourself, for the judge, and for the other party (Brandon or his/her lawyer).
* At the start of your hearing, you may respectfully ask what the court wants to focus on during the hearing
* Never be disrespectful to or use profanity towards the judge or courtroom staff
* Direct your comments to the court (judge) and avoid arguing with Brandon P. Koch or his/her attorney
* If Brandon lies in court, do not interrupt them. Wait until he or she finishes talking, and then you can tell the judge why what Brandon said is a lie
* Present your case by referencing the facts and evidence you have prepared
* Listen carefully to the court’s instructions and guidance during the hearing
* Take notes of important statements from the court or the other side, as these points may need to be addressed during your presentation

**During the hearing, the judge may ask questions:**

* Tell the truth. Speak slowly. You can read from your list if you need to. You can also ask the judge if you can review your notes to be sure you covered everything
* Brandon or his or her lawyer may also ask you questions
* Give complete answers and try to answer exactly what the judge asks
* If you do not understand, you can say “I don’t understand the question.”
* Speak only to the judge unless it is your turn to ask questions of Brandon or any of Brandon’s witnesses.
* When people are talking to the judge, wait for them to finish. Then you can ask them questions about or comment on what they said.
* Be prepared to waive formal notice or request that the court prepare and serve formal notice on your behalf
  + By waiving formal notice, you acknowledge that you are responsible for keeping track of upcoming court dates and staying informed about the progress of your case independently.
  + If you request the court to prepare and serve formal notice, the court will take responsibility for providing you with written notifications. This ensures that you receive official documentation regarding future hearings, filings, and any crucial updates related to your DVRO case.

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## Forms to File with the Court

* Any necessary **local forms** specific to your County *(contact the clerk's office or visit the court website to check for the required forms in your local county's court)*
* **CLETS-001** *(completed)*
* **DV-109** *(completed)*
* **DV-100** *(completed)* & Evidence of {{resp.name}}’s Abuse
* **DV-110** (*proposed orders and blank*)
* {{%p if requesting\_custody %}}
* **DV-105** *(completed)*
* **DV-140** *(proposed order and blank)*
* {{%p endif %}}
* {{%p if requesting\_supervisedvisitation %}}
* **DV-150** *(proposed orders and blank)*
* {{%p endif %}}
* {{%p if requesting\_childabduction %}}
* **DV-108** *(completed)*
* **DV-145** *(proposed orders and blank)*
* {{%p endif %}}
* {{%p if requesting\_childsupport or requesting\_spousalsupport %}}
* **FL-150** *(completed)*
* Copies of your **pay stubs** for the last two (2) months and **proof of any other income**
* {{%p endif %}}
* {{%p if requesting\_confidentiality %}}
* **DV-160** *(completed)*
* **DV-165** *(proposed orders and blank)*
* {{%p endif %}}

## Forms to Bring to Your Hearing

* Every court form you’ve filed with the court **(3 copies each)**
* Evidence of {{resp.name}}’s abuse **(3 copies each)**
* Copies of any other court orders involving both you and {{resp.name}} **(3 copies each)**
* If you were granted a TRO and {{resp.name.first}} violates the orders in the time leading up to your hearing, bring evidence of each violation (if applicable) **(3 copies each)**
* **DV-200:** Proof of Service (or Sheriff’s/Process Server’s version) **(3 file-stamped copies)**
* {{%p if requesting\_reimbursement %}}
* Any bills, receipts, other evidence documenting the cost of services you incurred as a result of {{resp.name.first}}’s abuse, as described in your request for Payment of Expenses Caused by the Abuse orders (DV-100, Item 23) **(3 copies each)**
* {{%p endif %}}
* {{%p if requesting\_propertycontrol or requesting\_debtpayment %}}
* Any financial records, bank statements, titles, or other relevant evidence you have to support your claims about the nature and ownership of the property described in your request for Property Control Orders (DV-100, Item 17) **(3 copies each)**
* {{%p endif %}}
* **DV-130:** Restraining Order After Hearing *(proposed and blank)*
* {{%p if requesting\_custody %}}
* **DV-140:** Child Custody and Visitation Order *(proposed and blank)*
* {{%p endif %}}
* {{%p if requesting\_childabduction %}}
* **DV-145:** Order to Prevent Child Abduction *(proposed and blank)*
* {{%p endif %}}
* {{%p if requesting\_supervisedvisitation %}}
* **DV-150:** Supervised Visitation and Exchange Order *(proposed and blank)*
* {{%p endif %}}
* {{%p if requesting\_confidentiality %}}
* **DV-165:** Order on Request to Keep Minor's Information Confidential from the Public *(proposed and blank)* and **DV-170**: Notice of Order Protecting Information of Minor
* {{%p endif %}}
* {{%p if requesting\_wirelesstransfer %}}
* **DV-900:** Order Transferring Wireless Phone Account *(proposed and blank)*
* {{%p endif %}}
* {{%p if requesting\_childsupport or requesting\_spousalsupport %}}
* Your Latest Federal Tax Return *(3 copies each)*
* {{%p endif %}}
* {{%p if requesting\_childsupport %}}
* **FL-342:** Child Support Information and Order Attachment *(proposed and blank)*
* {{%p endif %}}
* {{%p if requesting\_spousalsupport %}}
* **FL-343:** Spousal, Domestic Partner, or Family Support Order Attachment *(proposed and blank)*
* {{%p endif %}}
* Any additional court order forms or attachments per the court's directions at your hearing