

DOMESTIC VIOLENCE

THE LAW DOES NOT ALLOW PERSONNEL OF THE OFFICE OF THE CLERK OF THE SUPERIOR COURT TO ASSIST IN THE SELECTION OR PREPARATION OF ANY FORMS OR TO ADVISE YOU AS TO ANY PROCEDURE TO BE FOLLOWED IN OBTAINING A JUDGMENT

Attached are the forms usually necessary for obtaining a restraining order to prohibit domestic violence.

Form #	Title	Number of Copies
DV-500 Info	Can a Domestic Violence Restraining Order Help Me	1
Clerk-100DV	How to Begin Your Domestic Violence Restraining Order	1
DV-505-Info	How Do I Ask for a Temporary Restraining Order?	1
Clerk-101DV	I Have Filed My Request For A Restraining Order – What Next	1
Clerk-110DV	Restraining Order – Prior Cases Verification	1
CLETS-001	Confidential CLETS Information	1
DV-100	Request for Domestic Violence Restraining Order	1
DV-101	Description of Abuse	1
DV-109	Notice of Court Hearing	1
DV-110	Temporary Restraining Order	1
DV-200	Proof of Service	1
DV-200 Info	What is Proof of Service	1
DV-120	Response to Request for Domestic Violence Restraining Order	1
DV-120-Info	How Can I Respond to a Request for Domestic Violence Restraining Order?	1
DV-250	Proof of Service by Mail	1
DV-130	Restraining Order After Hearing (Order of Protection)	1
DV-105	Request for Child Custody and Visitation Orders	1
DV-140	Child Custody and Visitation Order	1
DV-150	Supervised Visitation Order	1
DV-115	Request to Continue Court Hearing and Reissue Temporary Restraining Order	1
DV-115-Info	How to Ask for a New Hearing Date	1
DV-800	Proof of Firearms Turned In or Sold	1
DV-800-Info	How Do I Turn In or Sell my Firearms?	1

ALL FORMS MUST BE TYPED OR LEGIBLY PRINTED IN BLACK INK AND SIGNED.

Complete all forms in their entirety, i.e., all boxes checked as applicable; attachments attached, if applicable; and “NONE”, “NOT APPLICABLE”, or “UNKNOWN” typed in if required.

The following are additional forms that may be needed (Provided on request).

FL-150	Income and Expense Declaration
FL-155	Financial Statement
FL-192	Notice of Rights and Responsibilities
FL-342	Child Support Information and Order Attachment
MC-020	Additional Page

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.)

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.

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.

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MONTEREY**

HOW TO BEGIN YOUR DOMESTIC VIOLENCE RESTRAINING ORDER

Step One: Pick up your Domestic Violence restraining order packet from the clerk's office or download a copy of the Domestic Violence packet from the court website at www.monterey.courts.ca.gov. You may also download and fill out the individual forms from www.courtinfo.ca.gov/forms.

Step Two: Complete the following forms.

- **Confidential CLETS Information (DV-260)** – This form is confidential and is sent to the Sheriff to help with enforcement of the order and service.
- **Request For Order (DV-100)** – In this form you tell the court why you need the order. List in detail incidents of violence, threats of violence, or harassment, including the dates they occurred. If you have separated, include the date of separation. Attach form **DV-101 Description of Abuse** to provide more information to the court.
- **Child Custody, Visitation and Support Request (DV-105)** – If there are children between you and the Restrained Person attach this form to the *Request for Order*.
- **Temporary Restraining Order and Notice of Hearing (DV-110)** – In this form you check the boxes to receive temporary orders until the hearing. Hearings in Salinas are at 1:45 pm on Monday and in Monterey at 8:30 am on Thursday.
- **Child Custody and Visitation Order (DV-140)** – If you are requesting custody/visitation orders until the hearing; complete and attach this form to the *Temporary Restraining Order*.
- **Proof of Service (In Person) DV-200** – Insert your name and the restrained person's name and check boxes 4a, 4b, (if seeking custody orders) and 4g and any other boxes that apply. In 4g, list *DV-800 Proof of Firearm Turned in* and *DV-810 What Do I Do With My Gun or Firearm?* The person who gives a copy of the forms to the restrained person must complete the DV-200.
- **Answer and Firearm forms (DV-120, DV-800 and DV-810)** – File blank copies of these forms with your other documents
- **Restraining Order After Hearing (DV-130)** – Fill out this form just as you did the Temporary Restraining Order. The judge will sign this form after the hearing.

Step Three: Staple the forms together with the attachments as set forth above. File the forms with the Clerk's Office. You should check back to see if the judge signed the Temporary Order. The order should be ready within 24 hours. **Pick up a signed copy and keep it with you at all times.**

Step Four: Service of the Forms – The restrained person must be given (not mailed) a copy of the forms you filed and a blank answer form. If the person lives or works in the County of Monterey, the clerk may arrange for the police department to serve the papers. On the bottom of the Confidential CLETS Information form, insert the name of the police department. If you wish to arrange for service yourself, check the box showing that you will do so. The person who gives the restrained person a copy of the forms must give them a copy of all the documents filed, a blank answer and firearms forms and then complete the Proof of Service (DV-200) form. Important, please file the Proof of Service as soon as possible.

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*

DV-109 **Notice of Court Hearing**

1 **Name of Person Asking for Order**

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

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.

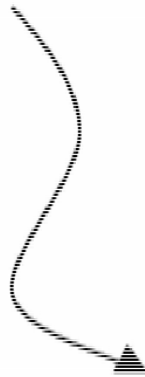
5 Know your hearing date: Form DV-109

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.


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.

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.



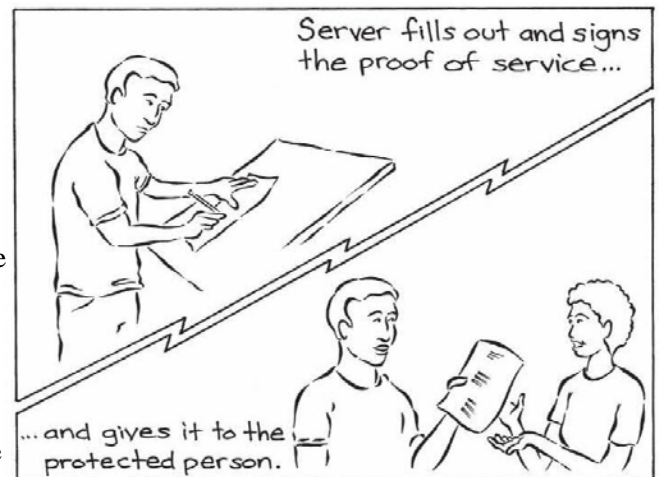
Don't serve it by mail!

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.

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MONTEREY**

I HAVE FILED MY REQUEST FOR RESTRAINING ORDER – WHAT NEXT?

Step One: Keep a copy of the signed Temporary Restraining Order in your possession

When you file your Request for Hearing it will be given to the Judge who will either:

- **Grant the Restraining Order:** This means the matter is set for a hearing **and** the terms of the Temporary Order will be in effect until the hearing.
- **Set the hearing only:** This means the matter is set for a hearing to consider a restraining order but **no** temporary orders were granted. You may wish to submit a supplemental declaration with additional information prior to the hearing.
- **Deny the Restraining Order:** The matter is denied and no hearing is set.

The Temporary Restraining Order will usually be signed either the same day or the next day and available for pickup at the Clerk's filing window. You or someone on your behalf can pick up your copy between 8:00 am and 4:00 pm. Keep it with you at all times in case you need to call the police.

Step Two: Service of the Restraining Order on the Restrained Party

A copy of the Temporary Restraining Order (DV-110), Request for Order (DV-100), Answer (DV-120), and Proof of Firearm Relinquishment (DV800) must be served (given) on the restrained person so that the restrained person knows the terms of the Temporary Restraining Order and the date of the hearing. If the restrained person lives or works in the County of Monterey, you may ask the clerk to forward the documents for service by local law enforcement. See the prior instruction sheet on How to File Your Restraining Order.

If the Restrained Person lives out of Monterey County or you wish to arrange for service yourself give a copy of the documents to a person over the age of 18 and arrange for them to hand deliver a copy to the restrained person. After the documents are served have that person fill out the Proof of Service form. It is important to file this form with the Court as soon as possible.

Step Three: If there is any violation of the Temporary Restraining Order before the Hearing, report the matter to the police.

Step Four: Attend the Hearing – The date and time of hearing is on the first page of the Temporary Restraining Order. Bring your documents with you and a pen and paper to write down the decision of the judge. Plan to be there early so that you can locate the courtroom and be ready when the judge calls your case. The judge will make a decision and then call the next case. The judge will sign the order. Do not leave the courthouse until you have contacted the Family and Domestic Violence Court Coordinator to see if all the documents necessary have been filed with the court. You may pickup a copy of the Restraining Order After Hearing or Reissuance at the Clerk's filing window. **Note:** If the restrained person was not present at the hearing, the person will have to be served with a copy of the Restraining Order After Hearing. See the process in Step two above. It is very important that the Proof of Service form be filed once the Restraining Order After Hearing is served.

Step Five: Keep a copy of the Restraining Order in your possession

SUPERIOR COURT OF CALIFORNIA COUNTY OF MONTEREY

Domestic Violence or Harassment Restraining Order Information Sheet

Case Title: _____ v. _____ **Case Number:** DVH _____

Restraining Order – Prior Cases Verification

In order for the Court to review properly your restraining order request, you must provide information on any prior case(s) before the Court will commence action on your request. If you are aware of or believe that there may be prior filings on your behalf or on behalf of the person you are trying to have restrained, please list each case on this form and submit this completed form to the clerk at the time you present your request for a restraining order. If there are no prior filings of any type to your knowledge, please put a check mark in the box after “No Cases Found” below. Place the current date on the form and sign the form below.

The records index for this county is located on the second floor of the Clerk’s Office in Monterey and on the third floor of the Clerk’s Office in Salinas.

Cases in which you (petitioner) were a party: Example of type of cases include: Divorce, paternity, child support, criminal domestic violence. Include cases in this county or any other county or state.

Case Number:	Case Title:	Type of Case:	County:
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No Cases Found ☐

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

Date: _____

Type or Print Name

Signature

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.

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

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of

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
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> 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):

- 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).

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.

This is not a Court Order.

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)
<input type="checkbox"/> Divorce, Nullity, Legal Separation	_____	_____	_____
<input type="checkbox"/> Civil Harassment	_____	_____	_____
<input type="checkbox"/> Domestic Violence	_____	_____	_____
<input type="checkbox"/> Criminal	_____	_____	_____
<input type="checkbox"/> Juvenile, Dependency, Guardianship	_____	_____	_____
<input type="checkbox"/> Child Support	_____	_____	_____
<input type="checkbox"/> Parentage, Paternity	_____	_____	_____
<input type="checkbox"/> 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):

- | | |
|--|--|
| <input type="checkbox"/> Me | <input type="checkbox"/> My vehicle |
| <input type="checkbox"/> My home | <input type="checkbox"/> The children's school or child care |
| <input type="checkbox"/> My job or workplace | <input type="checkbox"/> Each person listed in ③ |
| <input type="checkbox"/> My school | <input type="checkbox"/> 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.

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.

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.

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

Date: _____

Lawyer's name, if you have one

► _____
Sign your name

► _____
Lawyer's signature

This is not a Court Order.

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

- [illegible]



4

- 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

[illegible]

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

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

Clerk fills in case number when form is filed.

Case Number:**2 Name of Person to Be Restrained:***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.**

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.

To the Person in ②

- If you want to respond in writing, mail a copy of your completed Form DV-120, *Response to Request for Domestic Violence Restraining Order*, to the person in ① and file it with the court. You cannot mail Form DV-120 yourself. Someone age 18 or older—**not you**—must do it.
- To show that the person in ① has been served by mail, the person who mailed the 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.

Clerk stamps date here when form is filed.

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

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.**

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:
- | | |
|--|--|
| <input type="checkbox"/> The person in ① | <input type="checkbox"/> School of person in ① |
| <input type="checkbox"/> The persons in ③ | <input type="checkbox"/> The children's school or child care |
| <input type="checkbox"/> Home of person in ① | <input type="checkbox"/> Other (<i>specify</i>): _____ |
| <input type="checkbox"/> The job or workplace of person in ① | _____ |
| <input type="checkbox"/> Vehicle of person in ① | _____ |
- b. ☐ Exceptions: Brief and peaceful contact with the person in ①, and peaceful contact with children in ③, as required for court-ordered visitation of children, is allowed unless a criminal protective order says otherwise.

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

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

This is a Court Order.

9 No Guns or Other Firearms or Ammunition

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

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.

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.

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 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**.



Fill in court name and street address:

Superior Court of California, County of _____

Fill in case number:

Case Number: _____**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

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.

**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.

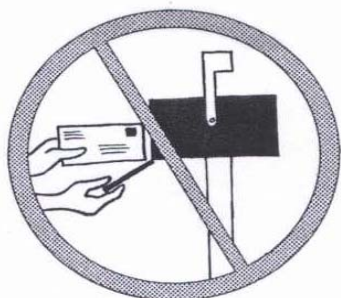
The server must:

- 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.)



Don't serve it by mail!

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 requested date and time.

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

⑤ **Service of Documents and Time for**
At least ☐ five or ☐ _____ days before the hearing.
protected—must personally give (serve) a copy of the orders (and a copy of the *Hearing*) to the person in ② along with a copy of:
a. Form DV-100, *Request for Domestic Violence Restraining Order*
b. ☐ Form DV-110, *Temporary Restraining Order*
judge
c. Form DV-120, *Response to Request for Restraining Order*
Form DV-250, *Proof of Personal Service*

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.

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

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 Request for Domestic Violence Restraining Order?*

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 5 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 to the relationship listed in item ④ on Form DV-100. (Specify your reasons in item 23, page 4 of this form.)

5 ☐ Other Protected People

- a. ☐ I agree to the order requested.
- b. ☐ I do not agree to the order requested. (Specify your reasons in item 23, page 4 of this form.)

6 ☐ Personal Conduct Order

- a. ☐ I agree to the order requested.
- b. ☐ I do not agree to the order requested. (Specify your reasons in item 23, page 4 of this form.)

This is not a Court Order.

7 ☐ **Stay-Away Orders**

- a. ☐ I agree to the order requested.
 b. ☐ I do not agree to the order requested. *(Specify your reasons in item 23, page 4 of this form.)*

8 ☐ **Move-Out Order**

- a. ☐ I agree to the order requested.
 b. ☐ I do not agree to the order requested. *(Specify your reasons in item 23, page 4 of this form.)*

9 ☐ **Turn In Guns or Other Firearms**

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 § 6389(h) because
 (specify): _____
 c. ☐ I have turned in my guns and firearms to law enforcement or sold them to a licensed gun dealer.
 d. ☐ A copy of the receipt showing that I turned in or sold my firearms
 ☐ is attached ☐ has already been filed with the court.

10 ☐ **Record Unlawful Communications Order**

- a. ☐ I agree to the order requested.
 b. ☐ I do not agree to the order requested. *(Specify your reasons in item 23, page 4 of this form.)*

11 ☐ **Animals: Possession and Stay-Away Order**

- a. ☐ I agree to the order requested.
 b. ☐ I do not agree to the order requested. *(Specify your reasons in item 23, page 4 of this form.)*

12 ☐ **Child Custody and Visitation Order**

- a. ☐ I agree to the order requested.
 b. ☐ I do not agree to the order requested. *(Specify your reasons in item 23, page 4 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 Order** *(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 23, page 4 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 FL-155, Financial Statement.

This is not a Court Order.



- 14** ☐ **Property Control Order**
a. ☐ I agree to the order requested.
b. ☐ I do not agree to the order requested. *(Specify your reasons in item 23, page 4 of this form.)*
- 15** ☐ **Debt Payment Order**
a. ☐ I agree to the order requested.
b. ☐ I do not agree to the order requested. *(Specify your reasons in item 23, page 4 of this form.)*
- 16** ☐ **Property Restraint Order**
a. ☐ I agree to the order requested.
b. ☐ I do not agree to the order requested. *(Specify your reasons in item 23, page 4 of this form.)*
- 17** ☐ **Spousal Support Order**
a. ☐ I agree to the order requested.
b. ☐ I do not agree to the order requested. *(Specify your reasons in item 23, page 4 of this form.)*
Whether or not you agree, you must fill out, serve, and file Form FL-150, Income and Expense Declaration.
- 18** ☐ **Lawyer's Fees and Costs**
a. ☐ I agree to the order requested.
b. ☐ I do not agree to the order requested. *(Specify your reasons in item 23, page 4 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.
- 19** ☐ **Payments for Costs and Services**
a. ☐ I agree to the order requested.
b. ☐ I do not agree to the order requested. *(Specify your reasons in item 23, page 4 of this form.)*
- 20** ☐ **Batterer Intervention Program**
a. ☐ I agree to the order requested.
b. ☐ I do not agree to the order requested. *(Specify your reasons in item 23, page 4 of this form.)*
- 21** ☐ **Other Orders** *(see item 21 on Form DV-100)*
a. ☐ I agree to the order requested.
b. ☐ I do not agree to the order requested. *(Specify your reasons in item 23, page 4 of this form.)*
- 22** ☐ **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:

23

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

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


[illegible]

24

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

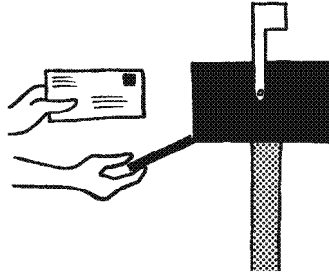
This is not a Court Order.

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 _____

Fill in case number:

Case Number: _____**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*): _____

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 described below:

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

6 Server's Information

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

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

Date: _____

Type or print server's name_____
Server to sign here

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Name of 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: _____

2 Name of Restrained Person:**Description of restrained person:**

Sex: ☐ M ☐ F Height: _____ Weight: _____ Hair Color: _____ Eye Color: _____
 Race: _____ Age: _____ Date of Birth: _____
 Mailing Address (if known): _____
 City: _____ State: _____ Zip: _____
 Relationship to protected person: _____

3 ☐ Additional Protected Persons

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

Full name	Relationship to person in 1	Sex	Age
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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

4 Expiration Date

The orders, except as noted below, end on

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

- If no date is written, the restraining order ends three years after the date of the hearing in item **5(a)**.
- If no time is written, the restraining order ends at midnight on the expiration date.
- Note: Custody, visitation, child support, and spousal support orders remain in effect after the restraining order ends. Custody, visitation and child support orders usually end when the child is 18.
- The court orders are on pages 2, 3, 4 and 5 and attachment pages (if any).

This order complies with VAWA and shall be enforced throughout the United States. See page 5.**This is a Court Order.**

5 Hearings

- a. The hearing was on (date): _____ with (name of judicial officer): _____
- b. These people were at the hearing (check all that apply):
- ☐ The person in ① ☐ The lawyer for the person in ① (name): _____
- ☐ The person in ② ☐ The lawyer for the person in ② (name): _____
- c. ☐ The people in ① and ② must **return to court** on (date): _____
at (time): _____ ☐ a.m. ☐ p.m. to review (specify issues): _____

To the person in ②

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

6 ☐ Personal Conduct Orders

- a. The person in ② must **not** do the following things to the protected people in ① and ③:
- ☐ Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, or block movements.
- ☐ Contact, either directly or indirectly, by any means, including, but not limited to, by telephone, mail, e-mail or other electronic means.
- ☐ Take any action, directly or through others, to obtain the addresses or locations of any protected persons. (If this item is not checked, the court has found good cause not to make this order.)
- b. Peaceful written contact through a lawyer or process server or another person as needed to serve legal paper is allowed and does not violate this order.
- c. ☐ Exceptions: Brief and peaceful contact with the person in ①, and peaceful contact with children in ③, as required for court-ordered visitation of children, is allowed unless a criminal protective order says otherwise.

7 ☐ Stay-Away Order

- a. The person in ② must stay at least (specify): _____ yards away from:
- ☐ The person in ① ☐ School of person in ①
- ☐ The persons in ③ ☐ The children's school or child care
- ☐ Home of person in ① ☐ Other (specify): _____
- ☐ The job or workplace of person in ① _____
- ☐ Vehicle of person in ① _____
- b. ☐ Exceptions: Brief and peaceful contact with the person in ① and peaceful contact with children in ③, as required for court-ordered visitation of children, is allowed unless a criminal protective order says otherwise.

8 ☐ Move-Out Order

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

This is a Court Order.

9 No Guns or Other Firearms or Ammunition

- a. The person in ② cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.
- b. The person in ② must:
- Sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms within his or her immediate possession or control. 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. (*Form DV-800, Proof of Firearms Turned In or Sold, may be used for the receipt.*)
- c. ☐ The court has received information that the person in ② owns or possesses a firearm.

10 ☐ Record Unlawful Communications

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

11 ☐ Animals: Possession and Stay-Away

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

12 ☐ Child Custody and Visitation

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

13 ☐ Child Support

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

14 ☐ Property Control

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

15 ☐ Debt Payment

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

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

☐ Check here if more payments ordered. Attach a sheet of paper and write, "DV-130, Debt Payments" as a title.

16 ☐ Property Restraint

The ☐ person in ① ☐ person in ② must not transfer, borrow against, sell, hide, or get rid of or destroy any property, including animals, except in the usual course of business or for necessities of life. In addition, the person must notify the other of any new or big expenses and explain them to the court. (*The person in ② cannot contact the person in ① if the court has made a "Personal Conduct" order.*)

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

This is a Court Order.

17 ☐ **Spousal Support**

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

18 ☐ **Lawyer's Fees and Costs**

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

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

19 ☐ **Payments for Costs and Services**

The person in (2) must pay the following:

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

☐ Check here if more payments ordered. Attach a sheet of paper and write, "DV-130, Payments for Costs and Services" as a title.

20 ☐ **Batterer Intervention Program**

The person in (2) must go to and pay for a 52-week batterer intervention program and show written proof of completion to the court. This program must be approved by the probation department.

21 ☐ **Other Orders**

Other orders (*specify*): _____

22 ☐ **No Fee to Serve (Notify) Restrained Person**

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

23 ☐ **Service**

- a. ☐ The people in (1) and (2) were at the hearing or agreed in writing to this order. No other proof of service is needed.
- b. ☐ The person in (1) was at the hearing. The person in (2) was not.
- (1) ☐ Proof of service of Form DV-109 and Form DV-110 (if issued) was presented to the court. The judge's orders in this form are the same as in Form DV-110 except for the end date. The person in (2) must be served. This order can be served by mail.
- (2) ☐ Proof of service of Form DV-109 and Form DV-110 (if issued) was presented to the court. The judge's orders in this form are different from the orders in Form DV-110, or Form DV-110 was not issued. Someone—not the people in (1) or (3)—must personally "serve" a copy of this order to the person in (2).

24 ☐ **Criminal Protective Order**

- a. ☐ Form CR-160, *Criminal Protective Order—Domestic Violence*, is in effect.
Case Number: _____ County: _____ Expiration Date: _____
(If more orders, list them on extra sheet of paper and write, "DV-130, Other Criminal Protective Orders" as a title.)
- b. ☐ No information has been provided to the judge about a criminal protective order.

This is a Court Order.

25 ☐ **Attached pages are orders.**

- Number of pages attached to this six-page form: _____
- All of the attached pages are part of this order.
- Attachments include (*check all that apply*):
 - ☐ DV-140 ☐ DV-145 ☐ DV-150 ☐ FL-342 ☐ FL-343
 - ☐ Other (*specify*): _____

Date: _____

*Judge (or Judicial Officer)***Certificate of Compliance With VAWA**

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

Warnings and Notices to the Restrained Person in 2**If you do not obey this order, you can be arrested and charged with a crime.**

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

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

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

Instructions for Law Enforcement**Start Date and End Date of Orders**

The orders *start* on the earlier of the following dates:

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

The orders *end* on the expiration date in item **4** on page 1. If no date is listed, they end three years from the hearing date.

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

Notice/Proof of Service

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

Consider the restrained person “served” (noticed) if:

- The officer sees a copy of the *Proof of Service* or confirms that the *Proof of Service* is on file; *or*
- The restrained person was at the restraining order hearing or was informed of the order by an officer. (Fam. Code, § 6383; Pen. Code, § 836(c)(2).) An officer can obtain information about the contents of the order in the Domestic Violence Restraining Orders System (DVROS). (Fam. Code, § 6381(b)(c).)

If the Protected Person Contacts the Restrained Person

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

Child Custody and Visitation

- The custody and visitation orders are on Form DV-140, items ③ and ④. They are sometimes also written on additional pages or referenced in DV-140 or other orders that are not part of the restraining order.
- **Forms DV-100 and DV-105 are not orders. Do not enforce them.**

Enforcing the Restraining Order in California

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

Conflicting Orders

A protective order issued in a criminal case on Form CR-160 takes precedence in enforcement over any conflicting civil court order. (Pen. Code, § 136.2(e)(2).) Any nonconflicting terms of the civil restraining order remain in full force. An emergency protective order (Form EPO-001) that is in effect between the same parties and is more restrictive than other restraining orders takes precedence over all other restraining orders. (Pen. Code, § 136.2.)

(Clerk will fill out this part.)

—Clerk’s Certificate—

Clerk’s Certificate
[seal]

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

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

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:

Legal Custody to: (Person who makes decisions about health, education, and welfare)

Physical Custody to: (Person you want the child to live with)

Child's Name	Date of Birth	Mom	Dad	Other	Mom	Dad	Other
a. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ 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:			Dates lived there:
	Mom	Dad	Other	
<input type="checkbox"/> Confidential _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	From _____ to present
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	From _____ to _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	From _____ to _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.

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.



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** the 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.

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:

Legal Custody to: (Person who makes decisions about health, education. Check at least one.)

Physical Custody to: (Person the child lives with. Check at least one.)

Child's Name	Date of Birth	Mom	Dad	Other*	Mom	Dad	Other*
a. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ 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 _____ 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)

(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.

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.

This form is attached to ☐ DV-110, *Temporary Restraining Order* ☐ DV-130, *Restraining Order After Hearing*
☐ DV-140, *Child Custody and Visitation Order*

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 **Mediation, Visitation and Exchange**

- a. ☐ Parties must go to mediation at: _____
- b. ☐ Visitation of children is supervised.
Parent to be supervised is: ☐ Mom ☐ Dad ☐ Other (name): _____
- c. ☐ Exchanges of children are supervised.

④ **Schedule of Supervised Visits**

- a. ☐ All visits as provided in the schedule on Form DV-140, item ④(d) are to be supervised.
- b. ☐ Supervised visits shall be _____ visit(s) per week of _____ hours(s) each, to be arranged with the provider.
- c. ☐ Other schedule of supervised visits is attached. (Check here and attach a sheet of paper with "DV-150, Other Schedule" for a title.)

⑤ **Type of Provider**

- a. ☐ Professional (individual or supervised visitation center)
- b. ☐ Nonprofessional
- c. ☐ Therapeutic (licensed mental health professional)

⑥ **Provider's Information**

Name: _____

Telephone number: _____

Address: _____

⑦ **Costs Will Be Paid As Follows:**

- ☐ Mom to pay: _____ %
- ☐ Dad to pay: _____ %
- ☐ Other: _____

⑧ **Contact With Provider**

- ☐ Mom to contact provider before (date): _____
- ☐ Dad to contact provider before (date): _____
- ☐ Other: _____

⑨ **The court also orders (specify):** _____

This is a Court Order.

Use this form to change the hearing date listed on Form DV-109, *Notice of Court Hearing*. (Read DV-115-INFO, How to Ask for a New Hearing Date for more information).

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Name of Person Asking for Protection:

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 to Be Restrained:

Mailing Address (if known): _____

City: _____ State: _____ Zip: _____

3 Request to Continue Hearing and Reissue Temporary Restraining Order

- a. The hearing date is (date): _____
- b. The *Notice of Court Hearing* (Form DV-109) and any temporary restraining orders have been reissued _____ times.
- c. I ask the judge to continue the *Notice of Court Hearing* (Form DV-109) and reissue any temporary restraining orders granted on *Temporary Restraining Order* (Form DV-110) because:
1. ☐ I could not get the papers served before the hearing date.
2. ☐ Other (specify): _____

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



Sign your name



Lawyer's signature

This is not a Court Order.

You may need to ask for a new hearing date

If you are unable to have Form DV-109 (*Notice of Court Hearing*) and other papers served in time before the hearing date, use Form DV-115, *Request to Continue Court Hearing and Reissue Temporary Restraining Order*.

What does Form DV-115 do?

On Form DV-115 you ask the judge to “continue” the court hearing and “reissue” any temporary restraining orders on Form DV-110, *Temporary Restraining Order*.

- “Continue” the hearing means to give you a new hearing date.
- “Reissue” means to keep any temporary orders in effect until the new hearing date.

Follow these steps:

- Fill out all of Form DV-115.
- Fill out items ① and ② on Form DV-116, *Notice of New Hearing Date and Order on Reissuance*.
- The judge will need to review your papers. In some courts, you must give your papers to the clerk. Ask the court clerk for information on how you ask the judge to review your papers.
- If the judge signs Form DV-116, the court will give you a new hearing date.
- File both forms with the clerk. The clerk will make up to three file-stamped copies for you. Keep at least one copy to bring to court on the hearing date.
- Have a copy of all court papers served personally on the person to be restrained by the time listed in item ⑦(c) on Form DV-116.
- Now the temporary orders, if any, will last until the new hearing date.
- Ask the person who serves the papers to complete Form DV-200, *Proof of Personal Service*, and give it to you. Make two copies and bring them all to court on the hearing date.
- The clerk will send the restraining order to law enforcement or CLETS for you. CLETS is a statewide computer system that lets police know about the order.

Bring a copy of all of your papers and the original Form DV-200, *Proof of Personal Service*, to the court hearing.

Need 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.

Clerk stamps below when form is filed.

1 Protected person's name:

2 Your name (restrained person):

Your address (*skip this if you have a lawyer*): (*If you want your address to be private, give a mailing address instead*):

City: _____ State: _____ Zip: _____

Your phone # (*optional*): (_____) _____Your lawyer (*if you have one*): (*Name, address, phone #, and State Bar #*):

3 To the person selling or turning in firearms:

When you sell or turn in your firearms, ask law enforcement or the gun dealer to complete item **4** or **5** and item **6**. After the form is signed, take it to the court clerk. Keep a copy. For help, read Form DV-810.

4**To: Law Enforcement**

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

The firearms listed below were turned in on:

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

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 parts **5** and **6** of this form. Keep a copy and give the original to the person who sold the firearms to you.

The firearms listed below were sold 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***6 Firearm Make**

1. _____
2. _____
3. _____

Model

- _____
- _____
- _____

Serial #

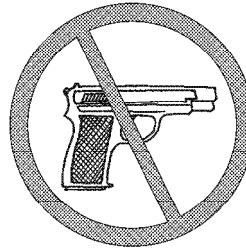
- _____
- _____
- _____

☐ Check here if more firearms. Attach a sheet of paper and write "DV-800, Item 6 — Firearms Turned In or Sold" at the top. Include make, model and serial # for all other firearms.

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 a licensed gun dealer

3 How do I sell 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.
- leave firearm in the trunk until told what to do by law enforcement
- call ahead to the police department

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.

