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# INVITATION TO COMMENT

## SPR-21-14

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<b>Title</b>	<b>Action Requested</b>
Domestic Violence: Revising Forms to Implement New Laws	Review and submit comments by May 27, 2021
<b>Proposed Rules, Forms, Standards, or Statutes</b>	<b>Proposed Effective Date</b>
Revise forms DV-100, DV-110, DV-120, DV-130, and DV-500-INFO	January 1, 2022
<b>Proposed by</b>	<b>Contact</b>
Family and Juvenile Law Advisory Committee Hon. Jerilyn L. Borack, Cochair Hon. Mark A. Juhas, Cochair	Frances Ho 415-865-7662 <a href="mailto:frances.ho@jud.ca.gov">frances.ho@jud.ca.gov</a>

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### Executive Summary and Origin

The Family and Juvenile Law Advisory Committee recommends revising five forms in the domestic violence restraining order series to implement new laws enacted by Senate Bill 1141 (Rubio; Stats. 2020, ch. 248) and Assembly Bill 2517 (Gloria; Stats. 2020, ch. 245), and to make the forms easier to understand and enforce.

### The Proposal

This proposal is necessary to implement new changes in the law. As most litigants in domestic violence restraining order proceedings represent themselves, it is particularly important for the council to act quickly to ensure that litigants have access to the new remedies provided by the Legislature. The proposal also revises the format of the forms to make them more useable.

The committee proposes the following:

1. Revise *Request for Domestic Violence Restraining Order* (form DV-100);
2. Revise *Temporary Restraining Order (Domestic Violence Prevention)* (form DV-110);
3. Revise *Response to Request for Domestic Violence Restraining Order* (form DV-120);
4. Revise *Restraining Order After Hearing (Order of Protection)* (form DV-130); and
5. Revise *Can a Domestic Violence Restraining Order Help Me?* (form DV-500-INFO).

## Implementing SB 1141 (Coercive Control Bill)

Senate Bill 1141 modified the definition of “abuse” under the Domestic Violence Prevention Act by codifying the definition of disturbing the peace provided in case law, and including “coercive control” as a means of disturbing someone’s peace.<sup>1</sup> To implement SB 1141, the committee proposes adding new language to the request and order forms. The new language would go under the “Orders for No Abuse” section,<sup>2</sup> referred to in the current forms as “Personal Conduct Orders.” The committee is seeking specific comment on whether the new language should closely track the statutory language or, instead, provide some concrete examples of coercive control that are provided by statute. Factors that the committee considered in proposing the language in the attached forms included whether self-represented litigants would be able to understand the statutory definition of coercive control, and legal accuracy of including language somewhat other than the statutory definition. The committee seeks public comment on the two options provided below to implement the new language in Family Code section 6320(c).

Option 1 gives a summary of “disturbing the peace” and includes some of the examples provided in the statute. The examples are included in the dash-lined box with rounded corners. Option 2—which has been included in the proposed forms—is substantially similar to the new statutory language but is written in simpler language. The language in Option 2, other than the first sentence setting out the statute, is at a 12th grade reading level. Using the statutory language verbatim would be at a 16th grade reading level.

### *Option 1*

#### 7 **Order for No Abuse**

The person in ② must not harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, keep under surveillance, impersonate (on the internet, electronically or otherwise), block movements, or disturb the peace (including coercively control) of any person protected by this restraining order.

**Disturbing the peace** means to disturb someone's mental or emotional well-being. It includes isolating someone from their friends, family, or other support; keeping someone from getting food or other basic necessities; and intimidating or threatening someone based on their actual or suspected immigration status.

<sup>1</sup> Fam. Code, § 6320(c).

<sup>2</sup> See form DV-100 at item 10, form DV-110 at item 7, and form DV-130 at item 8.

**Option 2**

**7  Order for No Abuse**

The person in ② must not harass, attack, strike, threaten, sexually assault, batter, stalk, molest, destroy personal property, impersonate as described in Section 528.5 or 529 of the Penal Code, harass, telephone (including, but not limited to, making annoying telephone calls as described in Section 653m of the Penal Code), or disturb the peace of any person protected by this restraining order. To disturb the peace means to destroy someone's mental or emotional calm. This can be done directly or indirectly, such as through someone else. This can also be done in any way, such as by phone, over text, or online. Disturbing the peace includes coercive control. Coercive control means a number of acts that unreasonably limits the free will and individual rights of any person protected by this restraining order. Examples include isolating them from friends, relatives, or other support; keeping them from food or basic needs; controlling or keeping track of them, including their movements, contacts, actions, money, or access to services; and making them do something that they don't want to do by force, threat, or intimidation. This includes threats related to the protected person's actual or suspected immigration status.

**Implementing AB 2517**

Assembly Bill 2517 amended Family Code section 6342.5, to allow the court, when granting an order for debt payment as part of a restraining order, to find that a specific debt was incurred as a result of domestic violence, and without the permission of the protected person. According to the legislative history, this law is needed to protect domestic violence survivors against the economic impact of financial abuse. A finding by the court that a debt resulted from domestic violence could help the survivor be made whole (e.g., act as a defense against creditors seeking to collect from the survivor). To implement AB 2517, the committee recommends revising the following item on the request form (DV-100, item 19) to allow the petitioner to provide facts to support the finding and adding an item for the finding on the restraining order after hearing form (DV-130), as shown below.

On form DV-100:

**Pay Debts (Bills)**

I ask the judge to order the person in ② to make these payments while the restraining order is in effect:

- a. Pay to:  For:  Amount: \$  Due date:
- b. Pay to:  For:  Amount: \$  Due date:
- c. Pay to:  For:  Amount: \$  Due date:

If any of the debts listed above resulted from the abuse in this case and were made without your permission, explain which debt and how it happened:

On form DV-130:

**16 Pay Debts (Bills)**

a. The person in (2) must make these payments until this order ends:

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

b. The court finds that the debt listed above in \_\_\_\_\_ was the result of abuse in this case, and was made without the permission of the person in (1).

**Other changes to improve the forms**

While making the revisions described above that are required by new law, the committee is also recommending some additional changes. Based on feedback from court users, domestic violence advocates, judicial officers, and self-help and other court staff, the committee recommends making a number of changes to the forms to make them more user-friendly and easier for self-represented litigants (SRLs) to complete. These changes include simplifying language, explaining legal concepts, eliminating unnecessary repetition, providing more white space on each page, minimizing the use of italicized font, using rounded boxes for instructions, and reorganizing content as described below. These changes would result in a different format for these DV forms than used on the other plain language Judicial Council forms, at least for the near future. The committee requests comments on these proposed changes to help the council determine the best format to use moving forward.

***Reorganize content***

The current request and order forms are organized so that the item numbers refer to the same remedy/order across all forms. For example, “Stay-Away Order” is at item 7 on the request, temporary restraining order, and order after hearing forms. While this numbering system may provide some benefit to judicial officers and helpers, the committee decided that reorganizing the items would lead to greater benefits for SRLs. The committee recommends moving the “describe abuse” closer to the front of the form rather than have it be, as currently, the last question on the form. This would allow SRLs to complete this important section early in the process when they may have more capacity to focus. The remedies have also been reorganized to clearly show which orders can be granted automatically unless otherwise ordered by the court,<sup>3</sup> granted right away (ex parte in a temporary restraining order),<sup>4</sup> and only granted at a noticed court date.<sup>5</sup> Although each remedy would no longer be at the same item number on all the forms, the committee proposes listing the items in the same sequence across all the forms.

<sup>3</sup> See, e.g., form DV-100 at items 8 and 9.

<sup>4</sup> Form DV-100 at items 10 through 22.

<sup>5</sup> Form DV-100 at items 23 through 28.

### ***Revise request form (DV-100)***

The request form is the most important form the moving party must complete. In many counties, judges decide whether to grant temporary protection based on the request form alone. It is therefore crucial that this form be as accessible as possible for anyone seeking protection. To improve the usability of this form, even though making it several pages longer, the committee proposes the following changes to form DV-100:

- In the instructions (top of form), identify other forms that are required to ask for a domestic violence restraining order, and include links to them on the online form.
- At item 2, limit the questions regarding the proposed restrained person to name, gender, and age, with date of birth being optional, consistent with what is required by the Department of Justice to register a protective order into the law enforcement database known as CLETS (California Law Enforcement Telecommunication System). All other information regarding the restrained person, including address and physical characteristics, may be provided on the order forms if the petitioner desires.
- At item 3, provide a complete list of relatives within the second degree, and provide a definition of cohabitant, as defined by long-standing case law.
- At item 5, expand the “describe abuse” section, as more fully described below.
- At item 6, increase lines to allow up to five additional protected persons, where the current version allows for three.
- At item 7, expand the questions about firearms that the respondent may possess.
- At items 8 and 9, list the orders that are automatically included in a restraining order, unless the court grants an exemption or finds good cause not to make the order, respectively.<sup>6</sup>
- At items 11 and 12, explain that a judge may grant an exception for court-ordered custody or visitation.
- At item 12, simplify question on Stay-Away Orders as many SRLs do not understand the question on the current form. The committee proposes simplifying the question so that it only identifies whether the parties live, work, or go to the same school. Once flagged, the court would decide how to proceed and gather more information on a case-by-case basis. Legal helpers can help SRLs provide additional information, as needed.
- At item 13, rename to “Order to Move Out” to use more natural language and to provide checkable options where the person is asked to explain their right to live at the address.
- At item 15, rename current item on “Care of Animals” to “Protect Animals” to more accurately describe all the orders that may be requested to protect animals.
- At item 16, rename current item on “Property Control” to “Control of Property” to use more natural language, and include space for petitioner to explain why they need control of the property listed.
- At item 17, rename current item for “Insurance” to “Health and Other Insurance.” This change does not reflect a change in the law but is renamed to help SRLs better identify whether this remedy is applicable to their case.

<sup>6</sup> Fam. Code, §§ 6322.7, 6389(h).

- At item 18, rename current item called “Record Unlawful Communications” to “Record Communications” to simplify language.
- At item 21, change wording for current item on “Time for Service (Notice)” to “Extend My Deadline to Give Notice to Person in 2” to use more natural language and to better explain what an “order shortening time” provides.
- At item 23(c), remove “MediCal” as receiving MediCal benefits alone would not generate the filing of a child support petition by the local child support agency.
- At item 26, explain what a Batterers Intervention Program is, including goals and program requirements.
- In item 28, simplify “rights to mobile device and wireless phone account” item as providers report that this item is rarely requested. Instead of listing the three possible remedies associated with mobile devices (property control of the device, debt payment of the wireless account, and transfer of the wireless phone account), this item would provide for the transfer of wireless accounts only. Changing this item does not reflect a change in the law as property control and debt payment can still be requested under “Property Control” and “Pay Debts (Bills),” respectively.
- In items 29 and 30, make the signature lines for the petitioner and lawyer, if any, numbered items to ensure they can be located by the party.

Item 5, the “describe abuse” section on the request form, has been moved closer to the front of the form, as noted above, and has been expanded to allow for up to four incidents to be described on the form (to lessen the need for parties to use attachment form DV-101, *Description of Abuse*, to describe additional incidents of abuse) and to provide more space for details of each incident. This reorganized item now also provides a nonexhaustive list of forms of abuse, instead of the statutory definition of abuse as shown below. The committee believes it would be more helpful to provide concrete examples, which would include some examples of coercive control (the bullets in the last column). Because of the amount of content contained in item 5, the headings of subitems are in bold font to help the user more easily see that each subitem represents a separate incident of abuse.

## 5 Describe Abuse

In this section, explain how the person in ② has been abusive. The information you give in this section will be used by the judge to decide whether you qualify for a restraining order. To help you understand what "abuse" means under the law, here are some examples (not a complete list):

- |                               |                          |  |
|-------------------------------|--------------------------|--|
| • hit, kicked, pushed, or bit | • harassed you           | • kept you from getting food or basic needs                            |
| • caused injuries or tried to | • stalked you            | • isolated you from friends, family, or other support                  |
| • threats to hurt or kill     | • tracked your movements | • intimidated you based on your actual or suspected immigration status |
| • sexually abused             | • contacted you too much |  |
| • destroyed your property     | • abused a pet or animal |  |

### ***Revise response form (DV-120)***

The committee proposes the following changes to the response form:

- Add instructions at the top of the form;
- Use the same headings for items as the request form (DV-100);
- List items in the same sequence as the request form; and
- At item 3, remove the spaces for the date and place of hearing, leaving the cross-reference to the *Notice of Court Hearing* (form DV-109), explain the consequences of not going to the court date, and include an icon for the court date.

### ***Revise order forms (DV-110 and DV-130)***

The following changes are being proposed to the two order forms:

- Use the same headings for items as the request form (DV-100);
- List items in the same sequence as the request form;
- At item 1, remove the name, address, and contact information for the protected person's lawyer, if they have one, and the contact information for SRLs;
- At item 2, indicate that certain information is required<sup>7</sup>;
- At item 2, add spaces to allow the petitioner to include information about firearms that may be in the restrained person's possession or control to ensure that law enforcement has this information at the time of enforcement;
- At item 3, allow up to five additional protected persons without the use of an attachment;
- At item 4, form DV-110, include an icon for the court date;
- At items 8 and 9 on form DV-110, and items 9 and 10 on form DV-130, allow the court to craft more tailored exceptions for no-contact and stay-away orders; and
- Include "Judge's signature" as the heading for the judicial officer's signature.

The committee also recommends removing from the order forms, the item on criminal protective orders (on the existing forms, at item 5 on DV-110 and item 26 on DV-130). The committee believes that this item is unnecessary, as criminal protective orders do not automatically have priority in enforcement over other restraining orders, as they did before the passage of Assembly Bill 176 (Campos; Stats. 2013, ch. 263). In response to an alleged violation, a law enforcement officer would check CLETS for the existence of any restraining order between the parties, and would have information in real-time that would be more accurate and complete than information provided on the order forms.

### ***Revise information sheet (DV-500-INFO)***

This information sheet needs to be revised to include the new definition of "disturbing the peace," because the point of the form is to provide general information about domestic violence restraining orders, including the types of orders that may be granted, and eligibility criteria. The committee also recommends removing information that is beyond the scope of this form (e.g.,

<sup>7</sup>Information that is required for this item is information that must be provided in order for a restraining order to be entered into the protective order registry within CLETS.

information related to preparing for a court hearing). Where appropriate, references to other information sheets and the court's self-help website were included. The committee also revised the list of other kinds of restraining orders to add gun violence restraining orders and remove workplace violence restraining orders, as the latter is unlikely to be filed by self-represented litigants.

### **Other changes**

The committee recommends asking for the restrained person's "gender" instead of "sex" on forms DV-100, DV-110, and DV-130, and adding a third nonbinary option. However, adding this option on the forms is subject to the approval of California's Department of Justice as all protective orders must be entered into their statewide protective order database.<sup>8</sup> If the Department of Justice does not approve of adding this option, the forms would include the existing options of male and female only.

The committee also recommends formatting changes to make the forms easier to read including the use of more white space on each page to make the content less overwhelming.<sup>9</sup> The committee further recommends limiting the use of italicized font, as italics are harder to read, especially for people with dyslexia. Judicial Council forms generally have italics on all instructions, to distinguish them from text of the questions or orders. In this proposal, italics would be used for short phrases but not for longer sections of text (e.g., instructions at the beginning of the form, instructions to explain the need for an additional form, and any instructions longer than a few words). See, e.g., form DV-100 at items 1(c); item 3, at the beginning and following (g); item 4(a); and item 5.<sup>10</sup> The committee is seeking comments as to whether the lack of italics is an improvement or may lead to confusion.

### **Alternatives Considered**

#### **Implementing SB 1141**

The committee considered various language to implement SB 1141, including adding the phrase "coercive control" to the list of enjoined conduct. However, the committee rejected this idea because it is not a term commonly understood or used by lay people.

#### **Implementing AB 413**

Assembly Bill 413 (Eggman; Stats. 2017, ch. 191) provides that a person seeking a domestic violence restraining order may record a private communication made by the proposed restrained person, if the person seeking the restraining order reasonably believes that the communication relates to the request for a domestic violence restraining order. Such a recording may only be used as evidence in court.<sup>11</sup> Because this information relates to evidence that may be presented to

<sup>8</sup> Fam. Code, § 6380.

<sup>9</sup> The committee recognizes that this will lead to longer forms, but concluded that each page would be easier to read with the greater amount of white space.

<sup>10</sup> One alternative to italics would be the use of more "boxes" around information or instructions, such as the box used in form DV-100 at item 14 or the one shown on page 2 above as part of Option 1 for item 10.

<sup>11</sup> Pen. Code, § 633.6(b).



the court, the committee considered but declined to include this information on the request or order forms. The committee notes that the protected person may also ask for the right to record communications made by the restrained person that violate the court's orders, which is currently on the request and order forms.

#### **Other changes needed to improve usability of forms**

The committee considered recommending only those changes needed to implement new law. However, the committee rejected that approach as these forms are mostly used by SRLs. Access to the domestic violence restraining order process requires that the forms be as user-friendly as possible, especially during a global pandemic and its aftermath. Because many of the changes recommended in this proposal were based on user-testing and feedback from providers and courts, the committee believes that these changes will make the forms easier for SRLs to understand and complete.

#### **Fiscal and Operational Impacts**

The committee anticipates that this proposal would require courts to train court staff and judicial officers on the newly revised forms, and there would be costs to make and replace paper forms packets. The committee also anticipates that this proposal would result in some cost savings, because it believes the forms will be easier to complete. By making these mandatory forms easier to complete, less time would be needed to explain the forms or address errors.

## Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Would removing the questions regarding the restrained person’s physical characteristics (e.g., race, height, weight, hair color) from form DV-100 result in any negative consequences? The applicant would still have the option to include this information on form DV-110.
- Would removing the questions regarding the restrained person’s address from form DV-100 result in any negative consequences? The applicant would have the option to include this information on form DV-110.
- Are there other examples of abuse that should be included in the Describe Abuse section (new item 5, form DV-100), either as a common form of abuse, or one that is not commonly understood to be “abuse” under the law?
- Is the expansion of the Describe Abuse section to add three more half-page items that the petitioner may complete (which adds additional pages to the form) likely to be helpful to SRLs or potentially intimidating?
- Which is the better option to include on the forms to implement SB 1141’s new definition of “disturbing the peace”—Option 1 or Option 2, taking into account legal accuracy as well as a lay person’s ability to understand such an order? (See page 2 of this Invitation to Comment.)
- Is the new format eliminating italics from longer instructions helpful or does it make the forms confusing?
- Is the new format adding more white space to the forms helpful (making the forms longer but individual pages easier to read)?
- Is the addition of icons likely to be helpful to SRLs, such as, on form DV-100, the exclamation point at item 1; and on forms DV-110 and DV-120, the courthouse with calendar for the court date?
- Are there any other formatting or organizational changes proposed here that should be incorporated into Judicial Council forms generally?

The advisory committee also seeks comments from **courts** on the following cost and implementation matters:

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?

Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?

## **Attachments and Links**

1. Forms DV-100, DV-110, DV-120, DV-130, and DV-500-INFO, at pages 12–44
2. Link A: Senate Bill 1141,  
[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200SB1141](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB1141)
3. Link B: Assembly Bill 2517,  
[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200AB2517](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB2517)
4. Link C: Assembly Bill 413,  
[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201720180AB413](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB413)

Clerk stamps date here when form is filed.

**DRAFT  
Not approved by  
the Judicial Council  
4.13.21**

To ask for a domestic violence restraining order, you will need to complete this form and the three forms listed below. Additional forms may be required, depending on the orders you ask for.

- ▶ *Notice of Court Hearing* ([form DV-109](#))  
(complete items ① and ② only)
- ▶ *Temporary Restraining Order* ([form DV-110](#))  
(complete items ①, ②, and ③ only)
- ▶ *Confidential CLETS Information* ([form CLETS-001](#))

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:****① Person Asking for Protection**a. **Your name:** \_\_\_\_\_b. **Your age:** \_\_\_\_\_c. **⚠ Address where you can receive mail**

(This address will be used by the court and by the person in ② to send you official court dates and papers. For privacy, you may use another address like a post office box or another person's address, if you have their permission and can get your mail regularly. If you have a lawyer, give their information.)

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

d. **Contact information** (optional)

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

e. **Lawyer's information** (skip if you do not have a lawyer)

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

**② Person You Want Protection From**a. **Full Name:** \_\_\_\_\_b. **Age** (give estimate if you do not know exact age): \_\_\_\_\_c. **Date of Birth** (if known): \_\_\_\_\_d. **Gender:**  M  F  Nonbinary**This is not a Court Order.**

**3 Your Relationship to the Person in 2**

(If you do not have one of these relationships with the person in 2, you are not eligible for this type of restraining order. You may be eligible for another type of restraining order. Learn more at <https://www.courts.ca.gov/selfhelp-abuse.htm>.)

Check all that apply

- a.  We are married or registered domestic partners.
- b.  We used to be married or registered domestic partners.
- c.  We have a child or children together.
- d.  We are dating or used to date.
- e.  We are or used to be engaged to be married.
- f.  We are related. The person in 2 is my (check all that apply):
  - Parent, stepparent, or parent-in-law
  - Sibling or sibling-in-law
  - Child, stepchild, or legally adopted child
  - Grandparent or grandparent-in-law
  - Child's spouse
  - Grandchild or grandchild-in-law
- g.  We live together or used to live together. (if checked, answer question below):  
 Have you lived with person in 2 as a family or group with common goals (more than just roommates)?  
 Yes     No (If "no," you do not qualify for this kind of restraining order unless you checked one of the other relationships listed above.)

**4 Other Restraining Orders and Court Cases**

a. Are there any restraining or protective orders currently in place **or** that have expired in the last six months (example: if the police gave you one that lasts a few days or if the criminal court gave you one)?

- No     Yes (If "yes," give information below and attach a copy if you have one.)
- (1) (date of order): \_\_\_\_\_ (expiration date): \_\_\_\_\_
- (2) (date of order): \_\_\_\_\_ (expiration date): \_\_\_\_\_

b. Are you involved in any other court case with the person you want protection from?

- No     Yes (If "yes," give information below.):

	<u>Which county, state, or tribe?</u>	<u>What year did the case start (if known)?</u>
<input type="checkbox"/> Custody	_____	_____
<input type="checkbox"/> Divorce	_____	_____
<input type="checkbox"/> Juvenile	_____	_____
<input type="checkbox"/> Criminal	_____	_____
<input type="checkbox"/> Other:	_____	_____
If "other," what kind of case?: _____		

**This is not a Court Order.**





**5 Describe Abuse (continued)**

**b. Was there another incident of abuse? If yes, describe below:**

- (1) Date of abuse *(give an estimate if you don't know the exact date)*: \_\_\_\_\_
- (2) Did anyone else hear or see what happened on this day? \_\_\_\_\_
- (3) Did the person in ② use or threaten to use a gun or weapon? \_\_\_\_\_
- (4) Describe any emotional or physical injuries: \_\_\_\_\_
- (5) Did the police come?  No  Yes *(If the police gave you a restraining order, list it in item ④.)*

Give details on how the person in ② was abusive on that day:

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**c. Was there another incident of abuse? If yes, describe below:**

- (1) Date of abuse *(give an estimate if you don't know the exact date)*: \_\_\_\_\_
- (2) Did anyone else hear or see what happened on this day? \_\_\_\_\_
- (3) Did the person in ② use or threaten to use a gun or weapon? \_\_\_\_\_
- (4) Describe any emotional or physical injuries: \_\_\_\_\_
- (5) Did the police come?  No  Yes *(If the police gave you a restraining order, list it in item ④.)*

Give details on how the person in ② was abusive on that day:

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**This is not a Court Order.**



**5 Describe Abuse (continued)**

d. Here, describe any other time when the person in ② was abusive that you want the judge to know about.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Check here if you have more abuse to describe. Attach a sheet of paper and write “DV-100, Abuse” at the top or use [form DV-101, Description of Abuse](#).

**6 Other Protected People**

Do you want the restraining order to protect your family or someone you live with?

No  Yes (If yes, list them):

<u>Full name</u>	<u>Age</u>	<u>Relationship to you</u>	<u>Lives with you?</u>
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No

Why do these people need protection?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Check here if you need more space. Attach a sheet of paper and write “DV-100, Protected People” at the top.

**This is not a Court Order.**





**7 Does Person in 2 Have Guns or Firearms?**

- a.  I don't know
- b.  No
- c.  Yes *(If you have information, you may complete the section below.)*

(1) Type and number of firearms: \_\_\_\_\_

(2) Where are firearms located, if known: \_\_\_\_\_

---

**Automatic Orders**

Items 8 and 9 are orders that a judge will automatically grant in most restraining orders. In limited situations, the judge may grant a limited exception to 8, or may not grant 9 if the judge finds good cause not to make the order.

**8 No Guns, Other Firearms, or Ammunition**

If a restraining order is granted, the person in 2 must sell or turn in any firearms that they have or control for as long as this restraining order is in effect.

**9 Cannot Look for Protected People**

If a restraining order is granted, the person in 2 will not be allowed to look for the address or location of any person protected by the restraining order.

---

**Orders That You Want a Judge to Make**

In this section, you will choose the orders you want a judge to make now. Every situation is different. Choose the orders that fit your situation.

*Check all the orders that you want a judge to make (order).*

**10  Order for No Abuse**

**I ask the judge to order the person in 2 to not do the following things to me or anyone listed in 6 :**

Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, keep under surveillance, impersonate (on the internet, electronically, or otherwise), block movements, or disturb the peace.

**This is not a Court Order.**



**10 Order for No Abuse (continued)**

**Disturb the peace** means to destroy someone's mental or emotional calm. This can be done directly or indirectly, such as through someone else. This can also be done in any way, such as by phone, over text, or online. Disturbing the peace includes coercive control. **Coercive control** means a number of acts that unreasonably limits the free will and individual rights of any person protected by this restraining order. Examples include isolating someone from their friends, relatives, or other support; keeping them from food or basic needs; controlling or keeping track of them, including their movements, contacts, actions, money, or access to services; and making them do something that they don't want to do by force, threat, or intimidation. This includes threats related to the protected person's actual or suspected immigration status.

**11  No-Contact Order**

I ask the judge to order the person in **(2)** to not have any contact with me or anyone listed in **(6)**, either directly or indirectly, in any way, including but not limited to, by telephone, mail, email, or other electronic means.

**(Exception to contact children:** The judge may grant an exception to this no-contact order, if you and the person in **(2)** have children together.)

**12  Stay-Away Order**

a. I ask the judge to order the person in **(2)** to stay away from:

*Check all that apply*

- Me
- My vehicle
- My children's school or child care
- My home
- My school
- Other (please explain):
- My job
- Each person in **(6)**

b. Do you and the person in **(2)** live together, work together, or go to the same school?

- No
- Yes (if "yes," check all that apply):
  - live together (If you live together, you can ask that the person in **(2)** move out. See next page.)
  - work together
  - go to same school

c. How far do you want the person to stay away from all the places you checked above?

- 100 yards (300 feet)
- Other (give distance in yards): \_\_\_\_\_

**(Exception for visits with children:** The judge may grant an exception to the stay-away orders, if you and the person in **(2)** have children together and the person in **(2)** is ordered to have time with your children.)

**This is not a Court Order.**



**13**  **Order to Move Out**

a. I ask the judge to order the person in **(2)** to move out of the home, located at:  
(Give address): \_\_\_\_\_

b. I have a right to live at this address because:

Check all that apply

- I own the home.
- I have lived at this address for \_\_\_\_\_ years, \_\_\_\_\_ months.
- My name is on the lease.
- I pay for some or all the rent or mortgage.
- I live at this address with my child(ren).
- Other (please explain): \_\_\_\_\_

**14**  **Child Custody and Visitation**



Check this box if you have a child with the person in **(2)** and want the court to make or change a child custody/visitation order. You must also fill out [form DV-105, Request for Child Custody and Visitation Orders](#), and turn it in with this form.

**15**  **Protect Animals**

a. Name (or other way to ID animal)	Type of animal	Breed (if known)	Color
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

b. I ask the judge to protect the animals listed above from the person in **(2)** by:

Check all that apply

- (1)  ordering person in **(2)** to stay at least \_\_\_\_\_ yards away.
- (2)  ordering person in **(2)** to not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of the animals.
- (3)  giving me sole possession, care, and control of the animals because (check all that apply):
  - Person in **(2)** abuses the animals.
  - I take care of these animals.
  - I purchased these animals.
  - Other (please explain): \_\_\_\_\_

**16**  **Control of Property**

I ask the judge to give **only me** temporary use, possession, and control of the property listed here (describe):

Explain why you want control of the property you listed:

\_\_\_\_\_  
\_\_\_\_\_

**This is not a Court Order.**

**17**  **Health and Other Insurance**

I ask the judge to order the person in **(2)** not to cash, borrow against, cancel, transfer, dispose of, or change the beneficiaries of any insurance or coverage held for the benefit of me or the person in **(2)**, or our children, for whom support may be ordered, or both.

**18**  **Record Communications**

I ask the judge that I may record communications made to me by the person in **(2)** that violate the judge's orders.

**19**  **Pay Debts (Bills)**

I ask the judge to order the person in **(2)** to make these payments while the restraining order is in effect:

a. Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_

b. Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_

c. Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_

If any of the debts listed above resulted from the abuse in this case and were made without your permission, explain which debt and how it happened:

---

---

**20**  **Property Restraint** *(only if you are married or a registered domestic partner 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.

**21**  **Extend My Deadline to Give Notice to Person in **(2)****

Usually, the judge will give you about two weeks to give notice, or "serve" the person in **(2)** of your request. If you need more time to serve, the judge may be able to give you a few days extra.

I ask the judge to give me more time to serve the person in **(2)**.

Explain why you need more time: \_\_\_\_\_

**22**  **Other Orders**

*(Describe any additional orders you want the judge to make.):*

---

---

**This is not a Court Order.**

## Orders That You Want a Judge to Make at Your Court Date

In this section, there is a list of orders that a judge cannot make right away but can make at your court date (in about 2–3 weeks), if at the time of your court date the person in **(2)** has been notified of your request.

Check all the orders that you want a judge to make.

**(23)**  **Child Support** (only if you have a minor child with the person in **(2)**)

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 (attach a copy if you have one).
- c.  I now receive or have applied for TANF, Welfare, or CalWORKS.

**(24)**  **Spousal Support** (only if you are married or a registered domestic partner with person in **(2)**)

I ask the judge to order the person in **(2)** to give me financial assistance.

**(25)**  **Lawyer's Fees and Costs**

I ask that the person in **(2)** pay for some or all of my lawyer's fees and costs.



**If you checked item 23, 24, or 25, you must complete form FL-150, *Income and Expense Declaration*.** Before your court date, form FL-150 must be turned in to the court, and mailed to the person in **(2)**. Learn more about how to properly mail this document on form DV-250, *Proof of Service by Mail*, and at <https://www.courts.ca.gov/selfhelp-serving.htm#mail>. If you are only asking for child support (item 23) and not spousal support or lawyer's fees, you may want to fill out a simpler version of form FL-150, called FL-155. Read form DV-570 to see if you are eligible to fill out form FL-155.

**(26)**  **Batterer Intervention Program**

I ask the judge to order the person listed in **(2)** to go to a 52-week batterer intervention program. (The goal of a batterer's intervention program is to stop abuse. There are weekly classes to teach accountability, abuse effects, and gender roles. If ordered to complete this program, the person in **(2)** would have to show proof to the judge that they enrolled and completed the program.)

**This is not a Court Order.**

**27**  **Payments for Costs and Services**

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 amounts to your court date.

I ask the judge to order the person in **2** to pay the following:

Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_  
 Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_  
 Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_

**28**  **Transfer of Wireless Phone Account**

If the person in **2** holds the rights to your cell phone account, you can ask the judge to transfer your number or your child's number to you. If the judge makes this order, you will be financially responsible for these accounts, including monthly service fees and costs of any mobile devices connected to these phone numbers. You may be responsible for other fees. You should contact the wireless service provider to find out what fees you will be responsible for and whether you are eligible for an account.

I ask the judge to order the wireless service provider to transfer the billing responsibility and rights to the wireless phone numbers listed below to me because the account currently belongs to the person in **2**:

- a.  my number     number of child in my care (including area code): \_\_\_\_\_
- b.  my number     number of child in my care (including area code): \_\_\_\_\_
- c.  my number     number of child in my care (including area code): \_\_\_\_\_

**29** **Additional pages**

If you used additional paper or forms, enter the number of extra pages attached to this form: \_\_\_\_\_

**30** **Your signature**

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*

**31** **Your lawyer's signature** *(skip if you do not have a lawyer)*

Date: \_\_\_\_\_

\_\_\_\_\_  
*Lawyer's name*

▶ \_\_\_\_\_  
*Lawyer's signature*

**This is not a Court Order.**

Clerk stamps date here when form is filed.

Draft- Not approved by
Judicial Council
4.14.21

The person asking for a restraining order must complete items 1, 2, and 3 only. The court will complete the rest of this form.

1 Protected Person (name):

2 Restrained Person

a. Information to help police enforce this order

(You must provide information that has a star (\*) next to it.)

Form containing fields for: \*Full Name, \*Gender, \*Age, Date of Birth, Race, Height, Weight, Hair Color, Eye Color, Relationship to person in 1, Firearms (describe below), Type and number of firearms, Where are firearms located, if known.

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

b. Current address for the restrained person (if you have one)

Address:
City: State: Zip:

3 Other Protected People

In addition to the person named in 1, the people listed below are protected by the orders listed in 6 through 9.

Table with 3 columns: Full name, Relationship to person in 1, Age. Includes multiple rows for listing protected people.

Check here if you need to list more people. List them on a separate piece of paper, write "DV-110, Other Protected People" at the top, and attach it to this form.

The court will complete the rest of this form

4 Hearing Date (Court Date)

This order expires at the end of the hearing stated below:



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

This is a Court Order.



**This order must be enforced throughout the United States. See page 5.**

## To the Person in ②

The court has granted temporary orders. See items ⑤ through ⑱.

- If you do not obey these orders, you can be charged with a crime, go to jail or prison, and/or pay a fine.
- It is a felony to take or hide a child in violation of this order.

### ⑤ No Guns or Other Firearms or Ammunition

- 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.
- Within 24 hours of receiving this order, you must** sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms you have in your immediate possession or control.
- Within 48 hours of receiving this order,** you must file a receipt with the court that proves guns have been turned in, or sold. (You may use [form DV-800](#), *Proof of Firearms Turned In, Sold, or Stored*, for the receipt.)
- The court has received information that the person in ② owns or possesses a firearm.

### ⑥ Cannot Look for Protected People

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

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

### ⑦ Order for No Abuse Not requested Denied until the hearing Granted as follows:

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

Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, keep under surveillance, impersonate (on the internet, electronically, or otherwise), block movements, or disturb the peace. Disturb the peace means to destroy someone's mental or emotional calm. This can be done directly or indirectly, such as through someone else. This can also be done in any way, such as by phone, over text, or online. Disturbing the peace includes coercive control. Coercive control means a number of acts that unreasonably limits the free will and individual rights of any person protected by this restraining order. Examples include isolating them from friends, relatives, or other support; keeping them from food or basic needs; controlling or keeping track of them, including their movements, contacts, actions, money, or access to services; and making them do something that they don't want to do by force, threat, or intimidation. This includes threats related to the protected person's actual or suspected immigration status.

**This is a Court Order.**





**8 No-Contact Order**     Not requested     Denied until the hearing     Granted as follows:

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

b.  Exception: You may have brief and peaceful contact with:  
 The person in ① to communicate about your children only.  
 The children you have with the person in ① only during court-ordered contact or visits.  
 Other (*explain*): \_\_\_\_\_

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

**9 Stay-Away Order**     Not requested     Denied until the hearing     Granted as follows:

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

- |  |  |
|--|--|
| <input type="checkbox"/> The person in ①                 | <input type="checkbox"/> School of person in ①               |
| <input type="checkbox"/> Home of person in ①             | <input type="checkbox"/> The persons in ③                    |
| <input type="checkbox"/> Job or workplace of person in ① | <input type="checkbox"/> The children's school or child care |
| <input type="checkbox"/> Vehicle of person in ①          | <input type="checkbox"/> Other ( <i>explain</i> ): _____     |

b.  Exception: The stay-away orders listed in 9a do not apply to the following situations:

- (1)  For the person in ① to exchange children for court-ordered visits.  
(2)  For court-ordered visits with the children of person ① and ②.  
(3)  Other (*explain*): \_\_\_\_\_

**10 Order to Move Out**     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*): \_\_\_\_\_

**11 Child Custody and Visitation**     Not requested     Denied until the hearing     Granted as follows:

Child custody and visitation are ordered on the attached form DV-140, *Child Custody and Visitation Order* or (*list other form*): \_\_\_\_\_. The parent with temporary custody of the child must not remove the child from California without permission from the court.

**This is a Court Order.**



**12 Protect Animals**     Not requested     Denied until the hearing     Granted as follows:

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

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

**13 Control of Property**     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:

\_\_\_\_\_

**14 Health and Other Insurance**     Not requested     Denied until the hearing     Granted as follows:

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

**15 Pay Debts (Bills)**     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: _____
Pay to: _____	For: _____	Amount: \$ _____	Due date: _____

**16 Property Restraint**     Not requested     Denied until the hearing     Granted as follows:

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. (If the court granted ⑧, you can notify the person in ① of new or big expenses by serving them or contacting their lawyer. Learn more about how to "serve" the person in ① at <https://www.courts.ca.gov/selfhelp-serving.htm#mail>.)

**This is a Court Order.**



**17 Record Communications**     Not requested     Denied until the hearing     Granted as follows:

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

**18 Other Orders**     Not requested     Denied until the hearing     Granted as follows:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**19 Orders That May Be Made At the Hearing Date (Court Date)**

If the person in ① checked any of these orders on form DV-100, a judge could grant them at your court date.

- Spousal Support                      • Lawyer's Fees and Costs                      • Batterer Intervention Program
- Child Support                        • Payments for Costs and Services                      • Transfer of Wireless Phone Account

**20 No Fee to Serve (Notify) Restrained Person**

The sheriff or marshal will serve this order for free.  
Bring a copy of all the papers that you need to be served to the sheriff or marshal.

**21  Attached pages**

Number of pages attached to this seven-page form: \_\_\_\_\_

**Judge's Signature**

Date: \_\_\_\_\_

\_\_\_\_\_  
*Judge or Judicial Officer*

**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.**

**This is a Court Order.**



## Warnings and Notices to the Restrained Person in ②

### Service of Order by Mail

If the judge makes a restraining order at the hearing (court date), which has the same orders as in this Temporary Restraining Order, you will get a copy of that order by mail at your last known address, which is written in item ② on page 1. If your address was not listed on this form or is incorrect, contact the court. If you did not go to your court date and want to know if the judge granted a restraining order against you, contact the court.

### Child Custody, Visitation, and Support

- **Child custody and visitation:** If you do not go to your hearing (court date), 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 a parent's 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) if you want the judge to have information about your finances. Otherwise, the court may make support orders without hearing from you.
- **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. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6.

### If the Protected Person Contacts the Restrained Person

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

**This is a Court Order.**

**Conflicting Orders—Priorities for Enforcement**

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced according to the following priorities (see Pen. Code, § 136.2, and Fam. Code, §§ 6383(h), 6405(b)):

1. **EPO:** If one of the orders is an *Emergency Protective Order* (form EPO-001), and it is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. **No-Contact Order:** If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence in enforcement over any other restraining or protective order.
3. **Criminal Order:** If none of the orders includes a no-contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
4. **Family, Juvenile, or Civil Order:** If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

**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.**

\_\_\_\_\_ The clerk will complete 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.

Draft- Not approved by  
Judicial Council  
4.13.21

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

Use this form if someone has asked for a domestic violence restraining order against you, and you want to respond in writing. You will need a copy of form DV-100, *Request for Domestic Violence Restraining Order*, that was filled out by the person who asked for a restraining order against you. **Do not use this form** if you want to ask for your own restraining order. If you need a restraining order, read [form DV-505-INFO](#), *Can a Domestic Violence Restraining Order Help Me?*.

**1 Name of Person Asking for Protection:**

(See form DV-100, item ①):

\_\_\_\_\_

**2 Your Name:**

**! Address where you can receive mail**

(This address will be used by the court and by the person in ② to send you official court dates and papers. For privacy, you may use another address like a post office box or another person's address, if you have their permission and can get your mail regularly. If you have a lawyer, give their information.)

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Contact information (optional)**

Email Address: \_\_\_\_\_ Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

**Lawyer's information (skip if you do not have a lawyer)**

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

**3 Your Hearing Date (Court Date)**



Your hearing date is listed on form DV-109, *Notice of Court Hearing*. If you do not want the judge to grant a restraining order against you that can last up to five years, you must go to your hearing date. At your hearing, the judge will consider your response (this form) and any other evidence or statements you have.

(Look at the form DV-100 filled out by the other side, to answer items ④ - ②5. If you do not agree to the orders, you can explain why in item ②5.)

**4 Your Relationship to Person Asking for Protection**

a.  I agree to the relationship listed in item ③ on form DV-100.

b.  I do not agree that the other party and I have or had the relationship listed in item ③ on form DV-100 because: \_\_\_\_\_

**This is not a Court Order.**



- 5  **Other Protected People** (see item 6, on form DV-100)
- a.  I agree to the order requested.
- b.  I do not agree to the order requested,  but I would agree to: \_\_\_\_\_
- \_\_\_\_\_

- 6 **Guns or Other Firearms or Ammunition**
- If you were served with form DV-110, *Temporary Restraining Order*, you must turn in any guns or firearms in your immediate possession or control. You must file a receipt with the court from a law enforcement agency or a licensed gun dealer within 48 hours after you received form DV-110.
- Check all that apply
- a.  I do not own or have any guns or firearms.
- b.  I have turned in my guns and firearms to law enforcement or sold/stored them with a licensed gun dealer. A copy of the receipt showing that I turned in, sold, or stored my firearms (check all that apply):  is attached  has already been filed with the court.
- c.  I ask for an exemption from the firearms prohibition under Family Code section 6389(h) because (explain): \_\_\_\_\_

- 7  **Cannot Look for Protected People**
- a.  I agree to the orders requested.
- b.  I do not agree to the order requested,  but I would agree to: \_\_\_\_\_
- \_\_\_\_\_

- 8  **Order for No Abuse**
- a.  I agree to the orders requested.
- b.  I do not agree to the order requested,  but I would agree to: \_\_\_\_\_
- \_\_\_\_\_

- 9  **No-Contact Order**
- a.  I agree to the orders requested.
- b.  I do not agree to the order requested,  but I would agree to: \_\_\_\_\_
- \_\_\_\_\_

- 10  **Stay-Away Order**
- a.  I agree to the order requested.
- b.  I do not agree to the order requested,  but I would agree to: \_\_\_\_\_
- \_\_\_\_\_

- 11  **Order to Move Out**
- a.  I agree to the order requested.
- b.  I do not agree to the order requested,  but I would agree to: \_\_\_\_\_
- \_\_\_\_\_

**This is not a Court Order.**



- 12**  **Child Custody and Visitation**
- a.  I agree to the order requested.
- b.  I am not the parent of the child listed in form DV-105, *Request for Child Custody and Visitation Orders*.
- c.  I do not agree to the order requested,  but I would agree to: \_\_\_\_\_
- d.  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*.

- 13**  **Protect Animals**
- a.  I agree to the order requested.
- b.  I do not agree to the order requested,  but I would agree to: \_\_\_\_\_

- 14**  **Control of Property**
- a.  I agree to the order requested.
- b.  I do not agree to the order requested,  but I would agree to: \_\_\_\_\_

- 15**  **Health and Other Insurance**
- a.  I agree to the order requested.
- b.  I do not agree to the order requested,  but I would agree to: \_\_\_\_\_

- 16**  **Record Communications**
- a.  I agree to the order requested.
- b.  I do not agree to the order requested,  but I would agree to: \_\_\_\_\_

- 17**  **Pay Debt (Bills)**
- a.  I agree to the order requested.
- b.  I do not agree to the order requested,  but I would agree to: \_\_\_\_\_

- 18**  **Property Restraint**
- a.  I agree to the order requested.
- b.  I do not agree to the order requested,  but I would agree to: \_\_\_\_\_

**This is not a Court Order.**





- 19**  **Other Orders** (see item 22 on form DV-100)
- a.  I agree to the order requested.
- b.  I do not agree to the order requested,  but I would agree to: \_\_\_\_\_
- \_\_\_\_\_

- 20**  **Child Support**
- a.  I agree to the order requested.
- b.  I do not agree to the order requested.
- c.  I agree to pay guideline child support. (Learn more about guideline child support at <https://www.courts.ca.gov/selfhelp-support.htm>.)

- 21**  **Spousal Support**
- a.  I agree to the order requested.
- b.  I do not agree to the order requested,  but I would agree to: \_\_\_\_\_
- \_\_\_\_\_

- 22**  **Lawyer's Fees and Costs**
- a.  I agree to the order requested.
- b.  I do not agree to the order requested,  but I would agree to: \_\_\_\_\_
- \_\_\_\_\_
- c.  I request the court to order payment of my lawyer's fees and costs.

- 23**  **Batterer Intervention Program**
- a.  I agree to the order requested.
- b.  I do not agree to the order requested,  but I would agree to: \_\_\_\_\_
- \_\_\_\_\_

- 24**  **Payments for Costs and Services**
- a.  I agree to the order requested.
- b.  I do not agree to the order requested,  but I would agree to: \_\_\_\_\_
- \_\_\_\_\_

- 25**  **Transfer Wireless Phone Account**
- a.  I agree to the order requested.
- b.  I do not agree to the order requested,  but I would agree to: \_\_\_\_\_
- \_\_\_\_\_

- 26**  **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: \$ \_\_\_\_\_

**This is not a Court Order.**





If you checked items 20, 21, 22, or 26, you must complete form FL-150, *Income and Expense Declaration*. Before your court date, form FL-150 must be turned in to the court, and mailed by a server to the person in ①. If you checked item 20 and not 21, 22, or 26, you may want to fill out a simpler version of form FL-150, called FL-155. Read form DV-570, *Which Financial Form-FL-155 or FL-150?*

27  **Reasons I Do Not Agree to the Orders Requested**

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

Multiple horizontal lines for writing answers.

Check here if you need more space. Attach a sheet of paper, and write “DV-120, Reasons I Do Not Agree” for a title.

28 Number of pages attached to this form, if any: \_\_\_\_\_

After you complete this form, learn about next steps on [form DV-120, How Can I Respond to a Domestic Violence Restraining Order](#), or at <https://selfhelp.courts.ca.gov/respond-domestic-violence-restraining-order>.

29 **Your signature**

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*

30 **Your lawyer's signature** (*skip if you do not have have a lawyer*)

Date: \_\_\_\_\_

\_\_\_\_\_  
*Lawyer's name*



\_\_\_\_\_  
*Lawyer's signature*

**This is not a Court Order.**

Restraining Order After Hearing (Order of Protection)

Clerk stamps date here when form is filed.

Draft-Not approved by Judicial Council 04.13.21

Original Order Amended Order

1 Protected Person (name):

2 Restrained Person

a. Information to help police enforce this order

(You must provide information that has a star (\*) next to it.)

Form containing fields for \*Full Name, \*Gender, \*Age, Date of Birth, Race, Height, Weight, Hair Color, Eye Color, Relationship to person in 1, Firearms, and Where are firearms located.

Fill in court name and street address:

Superior Court of California, County of

Clerk fills in case number when form is filed.

Case Number:

b. Current address for the restrained person (if you have one)

Address: City: State: Zip:

3 Other Protected People

In addition to the person in 1, the following persons are protected by orders as indicated in items 7 through 10.

Table with 3 columns: Full name, Relationship to person in 1, Age

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

4 Expiration Date

This restraining order, except for the orders listed 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.
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.

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)*: \_\_\_\_\_ in Department: \_\_\_\_\_  
 at *(time)*: \_\_\_\_\_  a.m.    p.m. to review *(list issues)*: \_\_\_\_\_

**This order must be enforced throughout the United States. See page 7.**

**To the Person in ②**

**The court has granted a long-term restraining order. See ⑥ through ⑳.**

- If you do not obey these orders, you can be charged with a crime, go to jail or prison, and/or pay a fine.
- It is a felony to take or hide a child in violation of this order.

**6 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. **Within 24 hours of receiving this order, you must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms you have in your immediate possession or control.**
- c. **Within 48 hours of receiving this order, you must file a receipt with the court** that proves guns have been turned in, or sold. (You may use [form DV-800](#), *Proof of Firearms Turned In, Sold, or Stored*, for the receipt.)
- d.  The court has received information that the person in ② owns or possesses a firearm.
- e.  **Limited Exemption:** The court has made the necessary findings to grant an exemption under Family Code section 6389(h). Under California law, the person in ② is not required to relinquish this firearm *(specify make, model, and serial number of firearm)*: \_\_\_\_\_  
 but must only have it during scheduled work hours and to and from their place of work. Even if exempt under California law, the person in ② may be subject to federal prosecution for possessing or controlling a firearm.

**7 Cannot Look for Protected People**

The person in ② must not take any action to look for any person protected by this order, including their addresses or locations.

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

**This is a Court Order.**



**8**  **Order for No Abuse**

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

Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, keep under surveillance, impersonate (on the internet, electronically, or otherwise), block movements, or disturb the peace. Disturb the peace means to destroy someone's mental or emotional calm. This can be done directly or indirectly, such as through someone else. This can also be done in any way, such as by phone, over text, or online. Disturbing the peace includes coercive control. Coercive control means a number of acts that unreasonably limits the free will and individual rights of any person protected by this restraining order. Examples include isolating them from friends, relatives, or other support; keeping them from food or basic needs; controlling or keeping track of them, including their movements, contacts, actions, money, or access to services; and making them do something that they don't want to do by force, threat, or intimidation. This includes threats related to the protected person's actual or suspected immigration status.

**9**  **No-Contact Order**

- a. You must **not contact**  the person in ①,  the persons in ③, directly or indirectly, by any means, including by telephone, mail, email, or other electronic means.
- b.  **Exception:** You may have brief and peaceful contact with:
  - (1)  The person in ① to communicate about your children only.
  - (2)  The children you have with the person in ① only during court-ordered contact or visits.
  - (3)  Other (*explain*): \_\_\_\_\_
- c. Peaceful written contact through a lawyer or process server or another person for service of legal papers related to a court case is allowed and does not violate this order.

**10**  **Stay-Away Order**

- a. The person in ② **must** stay at least (*specify*): \_\_\_\_\_ yards away from (*check all that apply*):
  - The person in ①
  - Home of person in ①
  - The job or workplace of person in ①
  - Vehicle of person in ①
  - School of person in ①
  - The persons in ③
  - The children's school or child care
  - Other (*specify*): \_\_\_\_\_
- b.  **Exception:** The stay-away orders listed in 10a do not apply to the following situations:
  - (1)  To exchange children for court-ordered visits.
  - (2)  For court-ordered visits with the children of person ① and ②.
  - (3)  Other (*explain*): \_\_\_\_\_

**This is a Court Order.**



**11**  **Order to Move Out**

The person in **(2)** must move out immediately from (address): \_\_\_\_\_  
\_\_\_\_\_

**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**  **Protect Animals**

- a.  The person in **(2)** must stay at least \_\_\_\_\_ yards away from the animals listed below.
- b.  The person in **(2)** must not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of the animals listed below.
- c.  The person in **(1)** is given the sole possession, care, and control of the animals listed below.

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

**14**  **Control of Property**

Only the person in **(1)** can use, control, and possess the following property:  
\_\_\_\_\_  
\_\_\_\_\_

**15**  **Health and Other Insurance**

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

**16**  **Pay Debts (Bills)**

- a. The person in **(2)** must make these payments until this order ends:
  - (1) Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_
  - (2) Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_
  - (3) Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_
- b.  The court finds that the debt listed above in \_\_\_\_\_ was the result of abuse in this case, and was made without the permission of the person in **(1)**.

**This is a Court Order.**



**17**  **Property Restraint**

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. (If the court granted **9**, you can notify the person in **1** of new or big expenses by serving them or contacting their lawyer.)

**18**  **Record Communications**

The person in **1** may record communications made by the person in **2** that violate the judge's orders.

**19**  **Child Support**

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

**20**  **Spousal Support**

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

**21**  **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: \_\_\_\_\_

**22**  **Batterer Intervention Program**

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

**This is a Court Order.**



**23**  **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: \_\_\_\_\_

**24**  **Transfer of Wireless Phone Account**

The court has made an order transferring one or more wireless service accounts from the person in **2** to the person in **1**. These orders are contained on form DV-900, *Order Transferring Wireless Phone Account*.

**25**  **Other Orders**

(specify): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**26** **Service**

- a.  **No other proof of service is needed.** The people in **1** and **2** were at the hearing or agreed in writing to this order.
- b.  **The person in 2 was not present.** Proof of service of form DV-109 and form DV-110 (if issued) was presented to the court.
  - (1)  **Order can be served by mail.** The judge’s orders in this form are the same as in form DV-110 except for the expiration date. The person in **2** must be served, either by mail or in person.
  - (2)  **Order must be personally served.** The judge’s orders in this form are different from the orders in form DV-110, or form DV-110 was not issued. The person in **2** must be personally served (given) a copy of this order.
- c.  Proof of service of form FL-300 to modify the orders in form DV-130 was presented to the court.
  - (1)  The people in **1** and **2** were at the hearing or agreed in writing to this order. No other proof of service is needed.
  - (2)  The person in  **1**  **2** was not at the hearing and must be personally served (given) a copy of this amended order.

**27** **No Fee to Serve (Notify) Restrained Person**

The sheriff or marshal will serve this order for free.  
Bring a copy of all the papers that you need to be served to the sheriff or marshal.

**28**  **Attached pages**

All of the attached pages are part of this order.

- a. Number of pages attached to this eight-page form: \_\_\_\_\_
- b. Attachments include (check all that apply):  
 DV-140  DV-145  DV-150  DV-900  FL-342  FL-343  Other: \_\_\_\_\_

**This is a Court Order.**





**Judge's Signature**

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.**

**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.

**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. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code § 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. (Fam. Code, § 6383.)

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

- The officer sees a copy of the *Proof of Service* or confirms that the *Proof of Service* is on file; or
- The restrained person 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 California Restraining and Protective Order System (CARPOS). (Fam. Code, § 6381(b)-(c).)

**This is a Court Order.**

## 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 may be written on additional pages or referenced in form DV-140 or other orders that are not part of this restraining order.

## Enforcing the Restraining Order in California

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

## Conflicting Orders—Priorities for Enforcement

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

1. **EPO:** If one of the orders is an *Emergency Protective Order* (form EPO-001) and it is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. **No-Contact Order:** If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence in enforcement over any other restraining or protective order.
3. **Criminal Order:** If none of the orders includes a no-contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
4. **Family, Juvenile, or Civil Order:** If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

\_\_\_\_\_ The clerk will complete 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.**

## What is a “domestic violence restraining order”?

It is a court order that can help protect people who have been abused by someone they've had an intimate relationship with, are closely related to, or have lived with as more than just roommates.

## How can 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 home;
- Obey child custody and visitation;
- Pay child support;
- Pay spousal support; and
- Obey orders about property.

## Does this request cost money?

No, filing this request is free.

## How soon can I get the order?

The judge will decide within one business day whether to grant you a temporary restraining order. Sometimes the judge decides sooner.

## How long does the order last?

If the judge makes a temporary order, it will last until your hearing date (court date). At your court date, the judge will decide whether to grant you a long-term restraining order that can last up to five years.

## Do I have to go to court?

Yes. Go to court on the date the clerk gives you. If you do not, any order you have will end. To learn more about what to expect at your court date go to [www.courts.ca.gov/selfhelp](http://www.courts.ca.gov/selfhelp) or read form DV-520-INFO, *Get Ready for the Restraining Order Court Hearing*.

## Am I eligible?

You can ask for one if:

- 1 You want a restraining order against:
  - Your spouse, ex-spouse, registered domestic partner, or ex-registered domestic partner;
  - Someone you have a child with;
  - Your parent, child, sibling, or grandparent (includes in-laws);
  - Someone you live with or used to live with (more than just roommates);

**and**

- 2 That person has been abusive.

**Abuse** can be spoken, written, or physical. It can be physical, sexual, or emotional. It includes threats to harm you or your family, stalking, harassment, destroying personal property, and disturbing your peace.

**Disturbing your peace** means destroy your mental or emotional calm. This can be done directly or indirectly, such as through someone else. This can also be done in any way, such as by phone, over text, or online. Disturbing the peace includes coercive control.

**Coercive control** means a number of acts that unreasonably limits the free will and individual rights of any person protected by this restraining order. Examples include isolating someone from their friends, relatives, or other support; keeping them from food or basic needs; controlling or keeping track of them, including their movements, contacts, actions, money, or access to services; and making them do something that they don't want to do by force, threat, or intimidation. This includes threats related to the protected person's actual or suspected immigration status.

## How do I ask for a domestic violence restraining order?

See form DV-505-INFO, *How Do I Ask for a Temporary Restraining Order?* The forms are available at any California courthouse or county law library or at: [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms).

**Draft-Not approved by  
Judicial Council. 4.13.21**



### What if I don't qualify for a domestic violence restraining order?

There are other kinds of restraining orders you can ask for. Here are some examples:

- **Civil harassment order** (can be used for neighbors, roommates, cousins, uncles, and aunts).
- **Dependent adult or elder abuse restraining order** (if you are at least 65 or a dependent adult).
- **Gun violence restraining order** (to prevent someone from hurting themselves or others with a firearm). Note that all restraining orders include a firearms restriction. A gun violence restraining order gives limited protection because it only restrains the person from having firearms and ammunition.

To learn more about other kinds of restraining orders go to <https://www.courts.ca.gov/selfhelp-abuse.htm>.

### 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.

### 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.

### Do I need a lawyer to make this request?

No, but this type of request can be hard to get through on your own. Free help may be available at your local court's self-help center. (See below.)



### Where can I find a self-help center?

Find your local court's self-help center at [www.courts.ca.gov/selfhelp](http://www.courts.ca.gov/selfhelp). Self-help center staff will not act as your lawyer but may be able to give you information to help you decide what to do in your case.

### Where can I find other help?

The National Domestic Violence Hotline provides free and private safety tips and help in over 100 languages. Call them at 1-800-799-7233; 1-800-787-3224 (TTY); or visit online at [www.thehotline.org](http://www.thehotline.org).


### I need an interpreter. How can I get help?

 You may use [form INT-300](#) to request an  interpreter. Ask court staff for information.

### I have a disability. How can I get help?

You may use [form MC-410](#) to request assistance. Contact the disability/ADA coordinator at your local court for more information.

### 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.htm](http://www.courts.ca.gov/forms.htm) for *Request for Accommodations by Persons With Disabilities and Response* ([form MC-410](#)). (Civ. Code, § 54.8.)