



Judicial Council of California . Administrative Office of the Courts

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www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on December 13, 2011

| | |
|---|---------------------------------|
| Title | Agenda Item Type |
| Forms: Miscellaneous Technical Changes | Action Required |
| Rules, Forms, Standards, or Statutes Affected | Effective Date |
| Revise forms DV-100, SV-115, and WV-115 | January 2, 2012 |
| Recommended by | Date of Report |
| Administrative Office of the Courts | November 9, 2011 |
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Executive Summary

Various publishers of Judicial Council forms have identified errors in forms resulting from inadvertent omissions and typographical errors. The Administrative Office of the Courts recommends making the necessary corrections to the forms to avoid confusion and delay for court users, clerks, and judicial officers.

Recommendation

The Administrative Office of the Courts recommends that the Judicial Council make the following changes to the Judicial Council forms, effective January 2, 2012:

1. Revise form DV-100, *Request for Domestic Violence Restraining Order*, to delete “No” from and add “and ammunition” to the title of item 9, and to include check boxes in items 10 and 11; and
2. Revise forms SV-115, *Request to Continue Court Hearing and to Reissue Temporary Restraining Order*, and WV-115, *Request to Continue Court Hearing and to Reissue Temporary Restraining Order*, item 4b, to correct an internal reference from “3b” to “4b.”

The revised forms are attached at pages 3–9.

Previous Council Action

The Judicial Council revised form DV-100 and adopted forms SV-115 and WV-115 on October 28, 2011, with an effective date of January 1, 2012.

Rationale for Recommendation

The forms were distributed to publishers and courts a week after the October 28, 2011, meeting to allow for adequate preparation time before the effective date of the forms. Publishers of Judicial Council forms identified errors in forms DV-100, SV-115, and WV-115 resulting from inadvertent omissions and typographical errors. It is necessary to correct the forms to avoid confusion and delay for court users, clerks, and judicial officers.

The corrections to DV-100 are required because (1) the word “No” in the title of item 9 is confusing for petitioners because the item is asking the petitioners whether or not firearms are an issue, and (2) the lack of check boxes in the titles of items 10 and 11 eliminates the petitioner’s discretion to request orders to record unlawful communications and to protect specified animals. Many petitioners may not want to request these orders but, without check boxes, they will be requesting the orders automatically. The result, if not corrected, will be confusion and delay for court users and judicial officers.

The statements in item 4 on forms SV-115 and WV-115 that the reasons for the reissuance are “on Attachment 3b” has been changed to “on Attachment 4b.” This is necessary to make the item number and attachment numbers consistent to avoid confusion for users and the courts.

If the forms are approved to be revised before their effective date, the change will have minimal effect on courts, as opposed to revising them in six months when courts may have made several copies of each form.

Comments, Alternatives Considered, and Policy Implications

These proposals were not circulated for public comment because they are noncontroversial, involve technical revisions, and therefore are within the Judicial Council’s purview to adopt without circulation. (See Cal. Rules of Court, rule 10.22(d)(2).)

Implementation Requirements, Costs, and Operational Impacts

Operational impacts are expected to be minor. The proposed revisions may result in reproduction costs if courts provide hard copies of any of the forms recommended for revision. Because the proposed changes are technical corrections, it is not anticipated that any case management systems would need to be updated to implement them.

Attachments

1. Forms DV-100, SV-115, and WV-115 are attached at pages 3–9

Clerk stamps date here when form is filed.

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

1 Name of person asking for protection:

Age: _____

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

Name: _____ State Bar No.: _____

Firm Name: _____

Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, or e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of

Clerk fills in case number when form is filed.

Case Number:

2 Name of person you want protection from:

Description of person you want protection from:

Sex: M F Height: _____ Weight: _____ Hair Color: _____ Eye Color: _____

Race: _____ Age: _____ Date of Birth: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

3 Do you want an order to protect family or household members? Yes No

If yes, list them:

Table with 5 columns: Full name, Sex, Age, Lives with you?, Relationship to you. Includes checkboxes for Yes/No.

Check here if you need more space. Attach a sheet of paper and write "DV-100, Protected People" for a title.

4 What is your relationship to the person in (2)? (Check all that apply):

- a. We are now married or registered domestic partners.
b. We used to be married or registered domestic partners.
c. We live together.
d. We used to live together.
e. We are related by blood, marriage, or adoption (specify relationship):
f. We are dating or used to date, or we are or used to be engaged to be married.
g. We are the parents together of a child or children under 18:
h. We have signed a Voluntary Declaration of Paternity for our child or children.

If you do not have one of these relationships, the court may not be able to consider your request. Read DV-500-INFO for help.

This is not a Court Order.

5 Other Court Cases

a. Have you or any other person named in item ③ been involved in another court case with the person in ②?

No Yes *If yes, check each kind of case and indicate where and when each was filed:*

| <u>Kind of Case</u> | <u>County or Tribe Where Filed</u> | <u>Year Filed</u> | <u>Case Number (if known)</u> |
|---|------------------------------------|-------------------|-------------------------------|
| <input type="checkbox"/> Divorce, Nullity, Legal Separation | _____ | _____ | _____ |
| <input type="checkbox"/> Civil Harassment | _____ | _____ | _____ |
| <input type="checkbox"/> Domestic Violence | _____ | _____ | _____ |
| <input type="checkbox"/> Criminal | _____ | _____ | _____ |
| <input type="checkbox"/> Juvenile, Dependency, Guardianship | _____ | _____ | _____ |
| <input type="checkbox"/> Child Support | _____ | _____ | _____ |
| <input type="checkbox"/> Parentage, Paternity | _____ | _____ | _____ |
| <input type="checkbox"/> Other (specify): _____ | _____ | _____ | _____ |

Check here if you need more space. Attach a sheet of paper and write "DV-100, Other Court Cases" for a title.

b. Are there any domestic violence restraining/protective orders now (criminal, juvenile, family)?

No Yes *If yes, attach a copy if you have one.*

Check the orders you want.

6 Personal Conduct Orders

I ask the court to order the person in ② not to do the following things to me or anyone listed in ③:

- a. Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, or block movements
- b. Contact, either directly or indirectly, in any way, including but not limited to, by telephone, mail or e-mail or other electronic means

The person in ② will be ordered not to take any action to get the addresses or locations of any protected person unless the court finds good cause not to make the order.

7 Stay-Away Order

a. I ask the court to order the person in ② to stay at least _____ yards away from (check all that apply):

- Me
- My home
- My job or workplace
- My school
- My vehicle
- The children's school or child care
- Each person listed in ③
- Other (specify): _____

b. If the person listed in ② is ordered to stay away from all the places listed above, will he or she still be able to get to his or her home, school, job, workplace, school, or vehicle? Yes No *(If no, explain):*

8 Move-Out Order

(If the person in ② lives with you and you want that person to stay away from your home, you must ask for this move-out order)

I ask the court to order the person in ② to move out from and not return to (address):

I have the right to live at the above address because (explain): _____

This is not a Court Order.



9 Guns or Other Firearms and Ammunition

I believe the person in (2) owns or possesses guns, firearms, or ammunition. Yes No I don't know
If the judge approves the order, the person in (2) will be ordered not to own, possess, purchase or receive a firearm or ammunition. The person will be ordered to sell to a gun dealer or turn in to law enforcement any guns or firearms that he or she owns or possesses.

10 Record Unlawful Communications

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

11 Animals: Possession and Stay-Away Order

I ask for the sole possession, care, and control of the animals listed below. I ask the court to order the person in (2) to stay at least _____ yards away from and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of the following animals: _____

I ask for the animals to be with me because: _____

12 Child Custody and Visitation

- a. I do not have a child custody or visitation order and I want one.
- b. I have a child custody or visitation order and I want it changed.

If you ask for orders, you must fill out and attach Form DV-105, Request for Child Custody and Visitation Orders.

You and the other parent may tell the court that you want to be legal parents of the children (use Form DV-180, Agreement and Judgment of Parentage).

13 Child Support (Check all that apply):

- a. I do not have a child support order and I want one.
- b. I have a child support order and I want it changed.
- c. I now receive or have applied for TANF, Welfare, CalWORKS, or Medi-Cal.

If you ask for child support orders, you must fill out and attach Form FL-150, Income and Expense Declaration or Form FL-155, Financial Statement (Simplified).

14 Property Control

I ask the court to give *only* me temporary use, possession, and control of the property listed here:

15 Debt Payment

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

Check here if you need more space. Attach a sheet of paper and write "DV-100, Debt Payment" for a title.

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

16 Property Restraint

I am married to or have a registered domestic partnership with the person in (2). I ask the judge to order that the person in (2) not borrow against, sell, hide, or get rid of or destroy any possessions or property, except in the usual course of business or for necessities of life. I also ask the judge to order the person in (2) to notify me of any new or big expenses and to explain them to the court.

This is not a Court Order.

17 **Spousal Support**

I am married to or have a registered domestic partnership with the person in **(2)** and no spousal support order exists. I ask the court to order the person in **(2)** to pay spousal support. *(You must fill out, file, and serve Form FL-150, Income and Expense Declaration, before your hearing).*

18 **Lawyer’s Fees and Costs**

I ask that the person in **(2)** pay some or all of my lawyer’s fees and costs.
You must complete, file and serve Form FL-150, Income and Expense Declaration before your hearing.

19 **Payments for Costs and Services**

I ask the court to order the person in **(2)** to pay the following:
*You can ask for lost earnings or your costs for services caused directly by the person in **(2)** (damaged property, medical care, counseling, temporary housing, etc.). You must bring proof of these expenses to your hearing.*

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

20 **Batterer Intervention Program**

I ask the court to order the person listed in **(2)** to go to a 52-week batterer intervention program and show proof of completion to the court.

21 **Other Orders**

What other orders are you asking for? _____

Check here if you need more space. Attach a sheet of paper and write “DV-100, Other Orders” for a title.

22 **Time for Service (Notice)**

*The papers must be personally served on the person in **(2)** at least five days before the hearing, unless the court orders a shorter time for service. If you want there to be fewer than five days between service and the hearing, explain why below. For help, read Form DV-200-INFO, “What Is Proof of Personal Service?”*

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

If you want the sheriff or marshal to serve (notify) the restrained person about the orders for free, ask the court clerk what you need to do.

24 **Court Hearing**

The court will schedule a hearing on your request. If the judge does not make the orders effective right away (“temporary restraining orders”), the judge may still make the orders after the hearing. If the judge does not make the orders effective right away, you can ask the court to cancel the hearing. Read Form DV-112, *Waiver of Hearing on Denied Request for Temporary Restraining Order* for more information.

This is not a Court Order.

25 Describe Abuse

Describe how the person in ② abused you. Abuse means to intentionally or recklessly cause or attempt to cause bodily injury to you; or to place you or another person in reasonable fear of imminent serious bodily injury; or to molest, attack, hit, stalk, threaten, batter, harass, telephone, or contact you; or to disturb your peace; or to destroy your personal property. Abuse can be spoken, written, or physical. (For a complete definition, see Family Code §§ 6203, 6320).

- a. Date of most recent abuse: _____
- b. Who was there? _____
- c. Describe how the person in ② abused you or your children: _____

Check here if you need more space. Attach a sheet of paper and write "DV-100, Recent Abuse" for a title.

- d. Did the person in ② use or threaten to use a gun or any other weapon? No Yes (If yes, describe): _____
- e. Describe any injuries: _____
- f. Did the police come? No Yes
 If yes, did they give you or the person in ② an Emergency Protective Order? Yes No I don't know
 Attach a copy if you have one.
 The order protects you or the person in ②
- g. **Has the person in ② abused you (or your children) other times?**
 If yes, check here and use Form DV-101, Description of Abuse or a sheet of paper to describe any previous abuse.

26 Other Persons to Be Protected

The persons listed in item ③ need an order for protection because (describe): _____

27 Number of pages attached to this form, if any: _____

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

Date: _____

 Type or print your name

▶ _____
 Sign your name

Date: _____

 Lawyer's name, if you have one

▶ _____
 Lawyer's signature

This is not a Court Order.

Request to Continue Court Hearing and to Reissue Temporary Restraining Order

Clerk stamps date here when form is filed.

Fill in court name and street address:
Superior Court of California, County of

Fill in case number:
Case Number:

1 Petitioner (Educational Institution Office or Employee)

a. Name: _____
Lawyer for Petitioner (if any for this case):
Name: _____ State Bar No.: _____
Firm Name: _____

b. Address (If you have a lawyer, give your lawyer's information.):
Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____
E-Mail Address: _____

2 Student in Need of Protection

Full Name: _____

3 Respondent (Person From Whom Protection Is Sought)

Full Name: _____
Address (if known): _____
City: _____ State: _____ Zip: _____

4 Request to Continue Hearing and to Reissue Temporary Restraining Order

I ask the court to continue the hearing currently scheduled for (date): _____ and to reissue the attached *Temporary Restraining Order* (Form SV-110).

- a. The attached order was issued on (date): _____ without notice to the respondent.
- b. I request that the Temporary Restraining Order be reissued because (check one or both):
 - (1) I could not get the order served before the hearing date
 - (2) Otherfor the reasons stated below on Attachment 4b

- c. (1) This is the first request to reissue the Order.
- (2) The Order has been previously reissued _____ times.

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

This is not a Court Order.

**Request to Continue Court Hearing
and to Reissue Temporary
Restraining Order**

Clerk stamps date here when form is filed.

Fill in court name and street address:
Superior Court of California, County of

Fill in case number:
Case Number:

1 Petitioner (Employer)

a. Name: _____
Lawyer for Petitioner (if any for this case):
Name: _____ State Bar No.: _____
Firm Name: _____
b. Address (If you have a lawyer, give your lawyer's information.):
Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____
E-Mail Address: _____

2 Employee in Need of Protection

Full Name: _____

3 Respondent (Person From Whom Protection Is Sought)

Full Name: _____
Address (if known): _____
City: _____ State: _____ Zip: _____

4 Request to Continue Hearing and to Reissue Temporary Restraining Order

I ask the court to continue the hearing currently scheduled for (date): _____
and to reissue the attached *Temporary Restraining Order* (Form WV-110).

a. The attached order was issued on (date): _____ without notice to the respondent.
b. I request that the Temporary Restraining Order be reissued because (check one or both):
(1) I could not get the order served before the hearing date
(2) Other
for the reasons stated below on Attachment 4b

c. (1) This is the first request to reissue the Order.
(2) The Order has been previously reissued _____ times.

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

This is not a Court Order.