DV-700-INFO How Do I Ask the Court to Renew My Restraining Order?

What does "renew" mean?

It means to extend your current restraining order (form DV-130). If renewed, the judge would extend it for at least five years, or make the order permanent (no expiration).

When do I ask for a renewal?

You must ask to renew your restraining order before your current restraining order expires. The expiration date is listed on the first page of your current restraining order. You can make the request up to three months before your order expires. Give yourself enough time, if possible, to fill out and file all the required paperwork before your order expires.

What if I want to renew a juvenile restraining order in Family Court?

If you have a juvenile restraining order (on form JV-255 or JV-265), that was based on domestic violence and the juvenile case has closed, you can ask the judge to renew your restraining order. Your restraining order is based on domestic violence if it was granted to protect you or your child from the other parent, or to protect you from someone you dated or had an intimate relationship with. If you are not sure whether your juvenile restraining order was based on domestic violence, talk to your lawyer. If you do not have a lawyer, your local self-help center may be able to help you. Find your local court's self-help center at selfhelp.courts.ca.gov/find.

Is there a court fee to ask for a renewal?

No.

Will I have to go to court?

Yes, if you ask for a renewal, you will get a court date. At your court hearing, the judge will ask you why you want your restraining order renewed. If you do not attend your hearing, your restraining order will not be renewed.

What if I also want to change (modify) my restraining order?

There is a different process to ask to change your restraining order. If you ask to renew your restraining order, and also ask to change your restraining order, you can ask the judge to decide both requests at the same time. For information on how to ask to change your order, read form DV-300-INFO, *How Do I Ask to Change or End a Domestic Violence Restraining Order?*

What if my restraining order expired but I still want protection?

You are not eligible for a renewal if you did not file your request to renew before your restraining order expired. You can still ask for protection by filing another request for restraining order. For more information, read form DV-505-INFO, *How to Ask for a Domestic Violence Restraining Order*.

What if my restraining order has been renewed before? Can I ask to renew it again?

Yes, a judge can renew your restraining order more than once. Follow the steps on the next page to ask for a renewal.

What if I've moved and want to file my request to renew in another county?

If you want to file your request in another county in California, you may ask the judge in your case to move (transfer) your case. This is called changing venue. For more information about how to make this request, your local self-help center may be able to help you, or contact a lawyer for advice.

Steps to ask for a renewal

1 Complete two forms:

- Form DV-700, *Request to Renew Restraining Order*; and
- Form DV-710, *Notice of Hearing to Renew Restraining Order* (items 1 and 2 only).

2 File forms with court

File both forms with the court clerk. Make sure you include a copy of your current restraining order (form DV-130, JV-255, or JV-265) with form DV-700. You can file in person or electronically. For more information on how or where to file, go to the court's website.

3 Get your papers back from the court

Make sure you get at least two copies back: one for you and one to have served on the restrained person.

4 Have restrained person served with papers

You must have an adult personally give a copy of all the court papers (all forms listed on form DV-710, item 5) to the person you want a restraining order against. It cannot be you or anyone listed on the restraining order. Your server must then complete a proof of service (form DV-200). Make a copy of the completed form DV-200 and file it with the court.

Serving papers can be a dangerous situation. If you want the sheriff to serve your papers, they will do so for free. If you want the sheriff to serve your papers, complete form SER-001, *Request for Sheriff to Serve Court Papers*. Give the sheriff a copy of the completed form and all papers that need to be served on the other side (all forms listed on form DV-710, item 5). For more information on service, go to selfhelp.courts.ca.gov/DV-restraining-order/renew/sheriff-serves.

If you can't serve the restrained person before your court hearing, you will need to ask the judge to reschedule your court hearing. Fill out and file forms DV-715 and DV-716. The judge will review your request and decide whether to reschedule your court hearing. If you do not receive a signed copy of form DV-716 from the judge before your court date or the judge denied your request to reschedule your hearing, you *must* attend your court date (listed on form DV-710 or DV-716) if you still want to renew your restraining order.

5 Get ready for and attend your court hearing

At your court hearing, the judge will decide whether to grant your request to renew your restraining order. What you will need to prove at your court hearing will depend on if the other side attends the hearing:

- If the restrained person does not attend the hearing, the judge can renew your restraining order based on only your request.
- If the restrained person attends the hearing and does not agree to the renewal, then you must prove that you have a reasonable fear or concern that there is enough risk of further abuse if the order is not renewed. The further abuse can be different from the abuse that led to your restraining order. But you don't have to prove that you've been abused by the person since the restraining order has been in effect. The abuse that led to your restraining order may be enough to renew it.

At the hearing, you and the other side will have the opportunity to tell your side of the story. Bring any evidence or witnesses you have.

If you don't want to attend your court hearing in person, go to the court's website to find out more information about attending by phone or videoconference. For information on your court hearing, go to selfhelp.courts.ca.gov/DV-restraining-order/renew/court.

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What if the judge renews my restraining order?

1. You will need form DV-730, *Order to Renew Domestic Violence Restraining Order*, signed by the judge. If the court does not complete this form for you, make sure you complete it and give it to the court clerk. Contact the court's self-help center if you need help.

2. You will need to get copies of form DV-730 once it is signed by the judge. Ask the court clerk when your forms will be ready. There is no fee for turning in this form, and you should receive free copies.

3. Look at form DV-730 to see if the judge ordered you to serve the form by mail or in person. If you are ordered to serve the form by mail, this means your server only has to mail a copy of the restraining order. But serving someone in person is always best. When you mail court papers, it may be hard to prove that the person actually received a copy, especially if the person moves a lot. Learn more about service at selfhelp.courts.ca.gov/DV-restraining-order/renew/serve-order.

Where can I find free help?

Free legal help is available at your court's self-help center. Find your local court's self-help center at selfhelp.courts.ca.gov/find. 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, and help you with the forms. Staff may also refer you to other agencies who may be able to help you.

Information about this process is also available online

selfhelp.courts.ca.gov/DV-restraining-order/renew

What if I need an interpreter?

You may use form INT-300 to request an interpreter or ask the clerk how you can request one.

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 courts.ca.gov/forms for *Disability Accommodation Request* (form MC-410). (Civ. Code, § 54.8.)

What if I am worried about my safety?

The National Domestic Violence Hotline provides free and private safety tips. Help is available every day, 24 hours a day, and in over 100 languages. Visit online at thehotline.org or call 1-800-799-7233.