



Judicial Council of California · Administrative Office of the Courts

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on October 28, 2011

Title

Domestic Violence: Forms and rule for use in Domestic Violence Prevention Act cases

Rules, Forms, Standards, or Statutes Affected
Adopt Cal. Rules of Court, Rule 5.381; adopt forms DV-116, DV-720, DV-730; revise forms DV-100, DV-101, DV-105, DV-108, DV-109, DV-110, DV-112, DV-120, DV-130, DV-140, DV-145, DV-150, DV-200, DV-250, DV-500-INFO, DV-505-INFO, DV-520-INFO, DV-530-INFO, DV-600, DV-700, DV-710; revise and renumber forms CLETS-001, DV-115, DV-115-INFO, DV-120-INFO, DV-200-INFO, DV-700-INFO; and revoke forms DV-126-INFO, DV-170, DV-510-INFO, DV-540-INFO, DV-550-INFO, and DV-560

Recommended by

Family and Juvenile Law Advisory Committee

Hon. Kimberly J. Nystrom-Geist, Cochair
Hon. Dean Stout, Cochair

Agenda Item Type

Action Required

Effective Date

January 1, 2012

Date of Report

October 20, 2011

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Executive Summary

The Family and Juvenile Law Advisory Committee recommends adopting, revising, or revoking certain forms used in Domestic Violence Prevention Act (DVPA) cases and adopting rule 5.381 of the California Rules of Court regarding modification of child custody and visitation orders in DVPA cases. The rule and forms would implement recently enacted legislation and coordinate the DVPA forms with the other civil restraining order forms to enhance consistency and reduce confusion.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2012, adopt, revise, or revoke forms used in Domestic Violence Prevention

Act (DVPA) cases and adopt rule 5.381 in Chapter 8, *Domestic Violence*, of Division 1, Title 5, of the California Rules of Court.¹ The recommendation would implement Assembly Bill 1596 (Stats. 2010, ch. 572)² and Assembly Bill 939 (Stats. 2010, ch. 352),³ which made changes to the Family Code. The recommendation would also implement recent case law and coordinate formatting and language with the other civil protective order forms.

The text of proposed rule 5.381 is attached at page 20; a copy of the proposed adopted and amended forms is attached at pages 21-96.

Previous Council Action

The Judicial Council sponsored the legislation that resulted in the comprehensive revision of the protective order statutes.⁴ AB 1596 was enacted and signed by the Governor in September 2010. It will become effective on January 1, 2012.

AB 1596 amended sections of the Code of Civil Procedure, Welfare and Institutions Code, Family Code, and Government Code that provide for protective orders relating to civil harassment (CH), private postsecondary school violence prevention (SV), workplace violence (WV), elder and dependent adult abuse (EA), juvenile law (JV), and domestic violence (DV). The purpose of the legislation was to create greater consistency in procedures and practices, eliminate unnecessary statutory differences, fill in procedural gaps, and generally improve the statutes that relate to protective orders.

Rationale for Recommendation

Background

Several years ago, the Judicial Council's Rules and Projects Committee requested formation of the Protective Orders Working Group (POWG)⁵ to bring together several advisory committees, as well as the Domestic Violence Practice and Procedure Task Force, to jointly address issues relating to the protective order forms. More specifically, the POWG considered challenges presented by inconsistencies among the current protective order forms and identified statutory impediments to uniformity among the forms. The meetings produced two main results. First, statutory differences were addressed and conformed to Judicial Council-sponsored legislation,

¹ Chapter 8, *Domestic Violence*, would be a temporary location for the rule. The rule would eventually be moved to a new chapter 11 if the overall reorganization of the family law rules is adopted. The rule number would remain the same. For more information, please see the Alternatives Considered section in this report.

² The text of Assem. Bill 1596, as chaptered, may be viewed at www.leginfo.ca.gov/pub/09-10/bill/asm/ab_1551-1600/ab_1596_bill_20100930_chaptered.pdf.

³ The text of Assem. Bill 939, as chaptered, may be viewed at www.leginfo.ca.gov/pub/09-10/bill/asm/ab_0901-0950/ab_939_bill_20100927_chaptered.pdf.

⁴ The Judicial Council report recommending the protective order legislation is available at www.courts.ca.gov/documents/121509item5.pdf.

⁵ The Protective Order Working Group comprises members from the Civil and Small Claims Advisory Committee, the Family and Juvenile Law Advisory Committee, the Criminal Law Advisory Committee, and the Domestic Violence Practice and Procedure Task Force.

AB 1596, which was enacted and signed by the Governor in 2010.⁶ Second, the POWG considered proposed revisions to the format and substance of the various protective order forms with the goal of eliminating unnecessary differences and promoting consistency where possible. In addition, members of the public have suggested revisions to the DVPA forms over the years. Those suggestions have, where advisable, been implemented in this recommendation.

Summary

The recommendation will:

1. Implement Assembly Bill 1596 (Stats. 2010, ch. 572),⁷ which amends, effective January 1, 2012:
 - a. Family Code section 243(b) to change the time for service on the respondent of a request for orders;
 - b. Family Code section 6322.7(a) to prohibit the restrained person from taking any action to obtain the address or location of any protected person;
 - c. Family Code section 6345(a) to indicate that a request for renewal of a restraining order may be brought at any time within the three months before the expiration of the orders;
 - d. Family Code section 6387 to require the clerk of the court to provide a petitioner, without cost, up to three certified copies of any order issued under the DVPA; and
 - e. Family Code section 6389 to clarify that a person subject to a restraining order is prohibited from owning, possessing, purchasing, or receiving ammunition.
2. Implement Assembly Bill 939 (Stats. 2010, ch. 352),⁸ which amended, effective January 1, 2011, Family Code section 6340(a) to state that if the court makes any order for custody, visitation, or support in the DVPA action, that order survives the termination of any protective order.⁹
3. Implement *Avalos v. Perez* (2011) 196 Cal.App.4th 773 by clarifying that the renewal period of a DVPA order is either five years or permanently;
4. Provide clarity and uniformity in court procedures when litigants seek to modify child custody, visitation, and support orders; and

⁶ This legislation and the form changes it requires are described in detail in a separate report on protective order forms submitted by the Civil and Small Claims Advisory Committee.

⁷ See Attachment A.

⁸ See Attachment B.

⁹ Proposed revisions to *Child Support Information and Order Attachment* (form FL-342) and *Spousal, Partner, or Family Support Order Attachment* (form FL-343) to implement Assem. Bill 939 will likely be presented in a separate report from the Family and Juvenile Law Advisory Committee in December 2011.

5. Harmonize and coordinate the DVPA forms with proposed revisions to the Civil Harassment, Elder Abuse, Private Postsecondary School Violence Prevention, Workplace Violence, and Juvenile restraining order forms.¹⁰

Rule 5.381

Family Code section 6340(a), amended effective January 1, 2012, states that if the court makes any order for child custody, visitation, or support in a DVPA action, that order survives the termination of any protective order. The committee recommends adopting Rule 5.381 to clarify court procedures in cases where litigants seek to modify custody, visitation, or support orders in DVPA cases. The rule allows the court to charge a fee to file a modification request only if the restraining order is no longer in effect. The rule also specifies that the court must retain any child custody, visitation, or support order filed in a DVPA case as a Family Law order under Government Code section 68152(c)(5), which would require retention for 30 years.

Forms: Overview of formatting revisions

Renumbering. Information forms have been renumbered so that they correspond to the particular forms to which they relate. Thus, the information form for the domestic violence response, form DV-120, has been renumbered as form DV-120-INFO instead of as form DV-510-INFO. This renumbering will make all the information forms easier to identify, locate, and use.¹¹ The general information forms will retain their numbering system starting with DV-500-INFO because they do not relate solely to one form and may be relevant throughout the process.

Changing of style and format. Specified forms have been revised for clarity as well as to make the forms compatible with electronic filing, case management, and forms generation and assembly. For example, bold headings have been added at the beginning of each item to clarify its subject. References to additional pages within an item number have been revised to include just the form number and the title of the item. Specific references to *Additional Page* (form MC-020) or other Judicial Council forms have been eliminated in favor of a consistent reference to a “sheet of paper.”

The former address block collected the address as a single data item, one set of lines for the petitioner and one set for the attorney. The address block has been revised to consolidate the petitioner’s and the attorney’s address, telephone number, e-mail address, and fax number into one block. In addition, the information has been separated into distinct fields. For example, the old form included blank lines for the address, city, state, and zip code. The revised form specifies each of these fields and provides a line for the information. This feature is important for electronic filing and case management systems in which information is transferred from an incoming form to an outgoing form.

¹⁰ Form changes reflecting Assem. Bill 1596 will also be made to the Civil Harassment, Elder Abuse, Private Postsecondary School Violence Prevention, and Workplace Violence forms and Juvenile protective order forms. Those form changes are presented in separate recommendations from the Civil and Small Claims Advisory Committee and the Family and Juvenile Law Advisory Committee.

¹¹ See Attachment C for a chart showing the proposed renumbering of the DV restraining order forms.

Other formatting and style revisions include the following:

- Font sizes, line weights, item spacing and placement, and other style issues conform to the Plain Language Forms style throughout the forms set.
- References to additional pages within an item number are revised to include just the form number and the title of the item. Specific references to *Additional Page* (form MC-020) or other Judicial Council forms are eliminated in favor of a consistent reference to a “sheet of paper.”
- Form references are revised to match revised form names and numbers.
- Form titles and numbers are revised for clarification and to match the titles and numbers used on the other civil restraining order forms.
- Each item number has a bold title (where appropriate).

Fixing of inconsistent item numbers among the request for order, temporary order, response, and order after hearing. In prior years, comments were received requesting item numbering consistency among the four major forms to allow judicial officers and parties to more easily follow the progression from initial requests to ultimate orders. To accomplish this request, the committee recommends rearranging items and adding information about which orders are available only after a noticed hearing. Thus, a request for a stay away order will be the same item number on the petition, response, temporary order, and order after hearing.

Forms: Overview of major revisions

Adjustment of check boxes on Temporary Restraining Order (form DV-110) and Restraining Order After Hearing (form DV-130). The committee recommends retaining the current approach on the *Temporary Restraining Order* which includes three boxes for the court to indicate whether the order was not requested, is denied, or is granted. Slight adjustments are recommended to the text so that each item that might be ordered by the judicial officer has the following set of three check boxes:

Not requested **Denied until the hearing** **Granted as follows:**

The committee recommends retaining the current approach for the *Restraining Order After Hearing* so that a single box precedes the title of each order. If the court issues the order, the court checks the box. If the court does not issue the order, the court does not check the box.

Request to continue court hearing and to reissue temporary restraining order. The committee recommends adopting a new form to indicate whether a hearing is continued or reissued. Currently, one form is used for both the request and the order to continue the hearing and reissue any temporary orders. The new form is flexible enough to allow for a continuance issued on the court’s own motion or requested during the hearing by the respondent. For example, the parties may be referred by the court to Family Court Services or the respondent may request a continuance in order to seek legal counsel or respond to the request for order.

The party seeking a continuance for failure to timely serve the moving documents would use *Request to Continue Hearing and Reissue Temporary Restraining Order* (form DV-115) and *Notice of New Hearing Date and Order on Reissuance* (form DV-116). In cases where a respondent seeks a continuance or a court grants a continuance on its own motion, only form DV-116 would be used.

Request to Renew Restraining Order (form DV-700), Notice of Hearing to Renew Restraining Order (form DV-710), Response to Request to Renew Restraining Order (form DV-720), and Order to Renew Domestic Violence Restraining Order (form DV-730). The committee recommends two new forms: one would allow the restrained person to respond to a request to renew the order, and the other would memorialize the renewal order in cases with no changes to the original order. The new order form is one page and could simply be attached to the existing order to provide a new expiration date. These new forms correspond to their counterparts recommended for other civil restraining order cases.

Confidential CLETS Information (form CLETS-001). The committee recommends the adoption of *Confidential CLETS Information* (form CLETS-001). This form will replace all the separate forms that are currently being used for this purpose. The new CLETS-001 will be similar to the form currently used in connection with domestic violence, civil harassment, elder and dependent adult abuse, and juvenile protective orders. An instruction to complete the form and submit it to the court is included on *Request for Domestic Violence Restraining Order* (form DV-100).¹²

Forms: Specific revisions

The committee recommends numerous specific revisions, as indicated below, many of which are based on public comments:

Form DV-100, Request for Domestic Violence Restraining Order

- The form is renamed to differentiate it from other types of requests or petitions.
- Item 1 is revised to add age to petitioner name line.
- Item 4 includes a warning that the court will not be able to consider the petition unless at least one of the specified relationships is met.
- Item 5 is revised to create a table for the other possible cases that may exist. In addition, options for county or tribe where filed are added.
- Item 6 is revised to reflect amended Family Code section 6322.7 (Assem. Bill 1596; Stats. 2010 Ch. 572), effective January 1, 2012, to remove family members, caretakers, and guardians from the people included in the prohibition.
- Item 7 is revised to add “My school” to the stay away list.
- Item 8 is revised to add italicized text to alert the petitioner that a Move-Out Order must be requested if the petitioner and respondent live together and a Stay-Away Order is requested.

¹² Form CLETS-001 is presented in separate recommendation from the Civil and Small Claims Advisory Committee.

- Item 12 separates child support from child custody and visitation order requests. Check boxes are added to clarify the status of any current orders and requests.
- Item 12 adds a cross-reference to form DV-180, *Agreement and Judgment of Parentage*.
- Item 13 adds check boxes to clarify the status of any child support requests and orders and to alert the petitioner to check as many boxes as apply.
- Item 22 indicates that in the absence of an order shortening time for service of process, the time for service is five days before the hearing to comply with amended Family Code section 243 (Assem. Bill 1596; Stats. 2010, ch. 572), effective January 1, 2012.
- Item 24 is revised to respond to a comment from the Trial Court Presiding Judges/Court Executives Advisory Committees Joint Rules Working Group during the spring 2009 comment period. The working group suggested that form DV-100 be revised to notify the petitioner that a court hearing would be set even if the request for temporary orders pending the hearing was denied. In addition, the group requested a check box to allow the petitioner to indicate to the court whether or not the petitioner wanted the matter set for hearing if the temporary orders are not issued. The committee carefully considered this comment and concluded that a notice regarding the court hearing would be helpful but a check box to cancel the hearing would be premature. Allowing the petitioner time to seek legal counsel before deciding to cancel the hearing would be helpful.
- Item 25 defines abuse to more closely track Family Code sections 6203 and 6320 to provide guidance for petitioners.
- Item 26 allows the protected person to indicate why any additional people should be included in the order.
- An attorney signature line is added to conform to general forms style.
- The form increased from four pages to five pages.

Form DV-101, Description of Abuse

- Section (f) in items 3 and 4 is revised to clarify who is protected by an Emergency Protective Order.

Form DV-105, Request for Child Custody and Visitation Orders

- Form is renamed to eliminate child support, which was moved to form DV-100, *Request for Domestic Violence Restraining Order*, as requested by a commentator.
- Item numbers are reorganized to flow better. Text is added to clarify that the items are requests.
- Internal form references are revised to match revised form names and numbers.
- Item 5 is clarified to more clearly describe the option for address confidentiality.
- Item 7 adds certain case types and a prompt to attach existing order if available.
- Item 11 is revised to respond to public comment by changing the heading and the prompts for who will drop off or pick up the child from visits.
- Item 12 adds prompts for types of supervisors and names.
- An instruction is added at the bottom of page 3 to warn parties about the automatic restrictions on removing minor children from California under Family Code section 3063.

Form DV-109, Notice of Court Hearing

- Item 4 is consolidated to the first page, eliminating the page break in the middle of the item.
- The warnings and notices to the parties are consolidated for clarity, in response to a public comment.
- A notice is added to comply with the requirement of Family Code section 6340(a) alerting the person seeking protection that at the hearing the court will consider whether denial of any requested orders will jeopardize the petitioner's safety and the safety of children for whom the petitioner is requesting custody or visitation.
- A notice is added to alert the person seeking protection that if she or he does not come to the hearing or cancels the hearing, then any temporary orders already issued will end on the date of the hearing.
- References to other form names are updated to reflect the revised form names.

Form DV-110, Temporary Restraining Order

- Item numbers track among four major forms (petition, temporary order, response, and order after hearing) because placeholders have been added to form DV-110 to address requests that could be ordered only after a noticed hearing. For example, see item 13 and items 17–20 on form DV-110.
- Based on a comment received during the spring 2009 RUPRO cycle, items 6 and 7 are revised to include a more precise exception for contact related to visitation.
- Item 12 adds a notice that the person receiving temporary custody of a child is prohibited from removing the child from California until a noticed hearing.
- Item 16 adds individual check boxes to indicate that either the petitioner or respondent or both should be restrained.
- The notice to the restrained person about service by mail, if the order after hearing contains the same orders as the temporary order, is moved to the section with other warnings to the restrained person.
- The instructions for law enforcement are revised to add that arrest is required if the order is violated. That section was on the form several years ago but was eliminated when the majority of the instructions for law enforcement were eliminated to save space on the form.

Form DV-112, Waiver of Hearing on Denied Request for Temporary Restraining Order

- The notices to the petitioner are revised to clarify that if the petitioner files the form to waive the hearing and the hearing is canceled, any temporary orders will end on the hearing date.

Form DV-120, Response to Request for Domestic Violence Restraining Order

- The name of the form is revised to be consistent with the naming of the responsive declaration for civil harassment and the other civil restraining orders.
- Items are added to allow the respondent to address the petitioner's allegations regarding the relationship of the parties and the names of any additional people to be protected.
- The check boxes for "I do agree to the order requested" and "I do not agree to the order requested" are separated and moved to separate lines instead of appearing on the same line.
- Items are rearranged to follow the proposed new item numbering on form DV-100, form DV-110, and form DV-130.

- Item 9 is revised to be consistent with the style adopted by the other civil forms to add a warning about the requirement to relinquish firearms.
- Item 12 is revised to cross-reference form DV-180, *Agreement and Judgment of Parentage*, in response to a public comment.
- Item 23 and blank lines are added to provide the respondent with space on the form to answer.
- An attorney signature line is added.
- The form increased from two pages to four.

Form DV-120-INFO, How Can I Respond to a Request for Domestic Violence Restraining Order?

- The proposal incorporates most of the text currently found on form DV-540-INFO, *Information for the Restrained Person*. However, it is expanded to match more closely the text on the information sheet for the person seeking the order and is reorganized for improved flow.
- An instruction is added to warn the respondent about the automatic restrictions on removing minor children from California in accordance with Family Code section 3063.
- The form replaces form DV-550-INFO to comply with form numbering adopted by other civil restraining order forms (the information sheet is the same number as the underlying filed form, with “INFO” added to the title).
- The form increased from two pages to three.

Form DV-130, Restraining Order After Hearing (Order of Protection)

- The notices under item 4 on the first page are revised to alert the parties to the survival of child custody orders after the termination of the underlying restraining order under Family Code section 6340 (amended January 1, 2011).¹³
- The certificate of compliance with the Violence Against Women Act is moved off the first page to provide the space needed for the other items.
- Item numbers are rearranged to match the internal numbering system stated on forms DV-100, DV-110, and DV-120. Several items are reorganized to allow for the revised numbering system.
- Items relating to attorney fees, payments for costs and services, and other orders are added, and the form where those items currently reside is revoked (form DV-170, *Other Orders*). This revision provides consistency with the proposed numbering system.
- The item for additional protected persons is moved to item 3 and includes detailed data such as sex, age, and relationship to the protected person.
- Item 5 is added to conform to the style adopted by the other civil restraining orders. It identifies who attended the hearing.
- Items 6 and 7 are revised to conform to the revised exceptions for peaceful contact proposed on form DV-110.

¹³ The proposed warnings would also be included on form FL-342 (*Child Support Information and Order Attachment*) and form FL-343 (*Spousal, Partner, or Family Support Order Attachment*), which the Family and Juvenile Law Advisory Committee will likely present in a separate recommendation in December 2011.

- Item 13 eliminates the reference to revoked form DV-160, *Child Support Information and Order Attachment*.
- Item 16 conforms to the proposed revision on form DV-110 to allow the judicial officer to specify whether the restraint applies to one or both parties.
- This form increased from five pages to six.

Form DV-140, Child Custody and Visitation Order

- Item 5 is revised, in response to a public comment, to reference form DV-150, *Supervised Visitation and Exchange Order* for the specific visitation or exchange orders.
- Item 11 is revised to add the word “reasonable” to the type of notice provided.
- Item 15 is added to alert the parties to the survival of child custody orders after the termination of the underlying restraining order under Family Code section 6340.

Form DV-145, Order: No Travel With Children

- Item 5 is revised to include a location from which the parties are ordered not to move the child.

Form DV-150, Supervised Visitation and Exchange Order

- The name of the form is revised to clarify that it can be used to order supervised exchanges, not just supervised visitation.
- Items 3 and 4 are revised to specify the type of orders (whether supervised visits or exchanges), to add an order to attend mediation (to accommodate those cases where the court did not specify a visitation schedule in item 4 on form DV-140), and to specify the visitation schedule.

Form DV-200, Proof of Personal Service

- The form name is revised to conform to the other civil restraining order forms.
- Item 3 is revised to be more specific as to who is not able to perform service.
- Item 4 is revised to include the new and revised form names and numbers.

Form DV-200-INFO, What is “Proof of Personal Service”?

- The name and number of the form is revised to conform to the style adopted by the other civil restraining order forms.
- Text is revised to change the number of forms to be provided by the clerk from five to three as required under Family Code section 6387 (Assem. Bill 1596; Stats. 2010, ch. 572), amended effective January 1, 2012.

Form DV-250, Proof of Service by Mail

- Titles in items one and two are revised to change “Protected person’s name” to “Name of Person Asking for Protection” and “Restrained Person’s name” to “Name of Person to Be Restrained” to more accurately reflect the status of the parties and to match the style adopted by the other civil restraining order forms.
- Item 3 is revised to list the persons who are prohibited from effectuating service to match the style adopted by the other civil restraining order forms.

- Item 4 is revised to include the server's residency to match the style adopted by the other civil restraining order forms.
- Item 5 is reorganized to improve the flow to match the style adopted by the other civil restraining order forms.
- Item 6 is revised to include the server's city, state, and zip code to match the style adopted by the other civil restraining order forms.

Form DV-500-INFO, Can a Domestic Violence Restraining Order Help Me?

- Text is revised to clarify the definition of abuse by including specific language from the statute.
- Specific relationships that qualify a litigant for the order are added.
- Text is reorganized to match that adopted by the other civil restraining order forms.
- A warning about the prohibition on travel with children upon issuance of a temporary order is added.

Form DV-505-INFO, How Do I Ask for a Temporary Restraining Order?

- This form is revised to incorporate existing form DV-510-INFO (*I Filled Out the Forms—What Now?*) so that the checklist of forms needed to request a temporary restraining order appears along with the steps needed to submit the request to the court and information on the temporary order and what to do if the temporary order is not timely served.

Form DV-520-INFO, Get Ready for the Court Hearing

- This form is revised to be applicable to both the petitioner and the respondent. It incorporates information from form DV-550-INFO, *Get Ready for Your Hearing (For Restrained Person)*.

Form DV-530-INFO, How to Enforce Your Restraining Order

- This form is revised to include ammunition as a prohibited item. Additional revisions improve clarity.

Form DV-600, Order to Register Out-of-State or Tribal Court Protective/Restraining Order

- This form is revised to include information for the court clerk about how to seal the order, as provided in Family Code section 6404.
- The title of the form is revised to include a reference to tribal court orders.

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

- This form is revised and items reorganized to match the style adopted by the other civil restraining orders.
- The timing for seeking renewal is revised to comply with amended Family Code section 6345, which, effective January 1, 2012, will require a request to renew a restraining order to be brought within the three months preceding the expiration of the order.

Form DV-710, Notice of Hearing to Renew Restraining Order

- The notices to the restrained person are revised to match the style adopted by the other civil restraining order forms.
- The service of process section is expanded to list the specific forms being served.
- The form increased from one page to two pages.

Form DV-720, Response to Request to Renew Restraining Order

- This new form matches the form proposed for the other civil restraining order forms.
- The form provides specific prompts for the restrained person to indicate his or her response to the request to renew the order.

Form DV-730, Order to Renew Domestic Violence Restraining Order

- This new form matches the form proposed for the other civil restraining order forms.
- The form provides the court with a way to renew the underlying restraining order after hearing on form DV-130 without needing to complete a new form DV-130.
- The form clearly states that the restraining order must be attached, and allows renewal for five years or permanently in accordance with Family Code section 6345(a).
- The notice that if no expiration date is listed, the order will expire in three years is eliminated based on public comments. The committee agreed that Family Code section 6345(c) does not apply to renewals.

Form DV-800-INFO/JV-252-INFO, How Do I Turn In or Sell My Firearms?

- The form is revised to conform to revisions recommended by the Civil and Small Claims Advisory Committee to the form's counterpart used with the other civil restraining order forms and to add a juvenile law number so that the form may be used in either a domestic violence or a juvenile case type.¹⁴

Revocation of several forms

The committee recommends revoking several forms and consolidating the text from those forms into other existing forms. Doing so will reduce the number of information sheets while retaining the information for litigants.

The following forms and information sheets are revoked:

- *How to Reissue a Temporary Restraining Order* (form DV-126-INFO). Text from this form is incorporated into *How to Ask for a New Hearing Date* (form DV-115-INFO).
- *Other Orders* (form DV-170). Text from this form is incorporated into *Restraining Order After Hearing* (form DV-130).
- *I Filled Out the Forms—What Now?* (form DV-510). Text from this form is incorporated into *How Do I Ask for a Temporary Restraining Order* (form DV-505-INFO).

¹⁴ Proposed revisions to *How Do I Turn In or Sell My Firearms?* (form DV-800-INFO/JV-252-INFO) are presented in a separate recommendation from the Family and Juvenile Law Advisory Committee.

- *Information for the Restrained Person* (form DV-540-INFO). Text from this form is incorporated into *How Can I Respond to a Request for Domestic Violence Restraining Order* (form DV-120-INFO).
- *Get Ready for Your Hearing (For Restrained Person)* (form DV-550-INFO). Text from this form is incorporated into *Get Ready for the Court Hearing* (form DV-520-INFO).
- *How Can I Make the Order Permanent?* (form DV-560). Text from this form is incorporated into *Get Ready for the Court Hearing* (form DV-520-INFO).

Comments, Alternatives Considered, and Policy Implications

The proposal circulated for comment as part of the spring 2011 invitation-to-comment cycle, with an extended comment period from April 21, 2010, to June 30, 2011. It circulated to the standard mailing list for family and juvenile law proposals, as well as to the regular rules and forms mailing list. This distribution list includes appellate presiding justices, appellate court administrators, trial court presiding judges, trial court executive officers, judges, court administrators, attorneys, social workers, probation officers, mediators, and other family and juvenile law professionals. The committee also sought comment from the Joint Rules Working Group of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee. Of the 34 individuals or organizations that submitted comments on the proposal, 5 commentators agreed with the proposal, 18 agreed with the proposal if modified, 4 disagreed with the proposal, 1 both disagreed and agreed with the proposal if modified, and 6 did not indicate a position on the proposal.

Rule 5.381

The rule addresses court procedures when child custody, visitation, and support orders are modified. Amended Family Code section 6340(a) states that those orders survive the termination of any restraining order issued after a noticed hearing.

The proposal garnered many comments, mostly negative. The comment from the Superior Court of Santa Clara County articulates most of the legal and administrative opposition to the proposal. The committee recommends narrowing the rule to respond to the public concerns and to provide consistency and clarity by specifying only that:

- A filing fee may be charged on a request to modify a child custody, visitation, or support order only after a protective order, as defined in Family Code section 6218, is no longer in effect. The filing fee, if charged, is the same as the filing fee for a motion, application, or any other paper requiring a hearing after the first paper; and
- The court must retain any child custody, visitation, or support order filed in a Domestic Violence Prevention Act case as a Family Law order under Government Code section 68152(c)(5).

One commentator noted that the rule could increase staff workload because, in order to charge a filing fee, clerks would be required to review the case file to determine whether a restraining order is no longer in effect. However, Family Code section 6222 states that “there is no filing fee

for an application, a responsive pleading, or an order to show cause that seeks to obtain, modify, or enforce a protective order or other order authorized by [the DVPA] when the request for the other order is necessary to obtain or give effect to a protective order.” The establishment or modification of child custody and visitation orders is necessary to give effect to a protective order. Thus, a fee cannot be charged for a modification request filed during the time a restraining order is in effect. The rule does not impose any new requirement.

Consolidated address blocks in captions

The invitation to comment proposed consolidating the address blocks for the petitioner and the attorney into one block, with specific fields for each item of data, such as address, city, and state. One commentator opposed the consolidation, stating that the separate area for petitioners was easier to complete.

However, the “two address block” format prevents the forms from being used effectively for processing in modern case management systems, e-filing, and other operations involving the creation and transmission of data. In the future, separate fields should be used consistently for each item of information requested in the caption of a Judicial Council form. As one commentator pointed out, the separate fields will make it more likely that all the required information will be entered. For these reasons, the information in the captions is broken into separate fields.

To call attention to the address, the committee recommends bold type for the word “address.” The address block is slightly different from the one recommended for the other civil restraining order forms because of the limited space on the domestic violence forms.

Revised titles of forms

Some existing petitions and all the petitions that circulated had titles such as “Request for Orders to Stop Domestic Violence.” A commentator suggested that these titles might create a false sense of security in litigants because courts can only grant orders—they cannot actually stop harassment, violence, or abuse.

The committee agreed with this comment and recommends revising the titles of applicable forms accordingly.

Consistent item numbers among forms

Items track consistently among the four major restraining order forms to reduce confusion. Litigants and judicial officers will more easily be able to determine whether a specified order was requested, objected to, or ordered. For example, item number 6 (Personal Conduct Orders) is item 6 on *Request for Domestic Violence Restraining Order* (form DV-100), *Temporary Restraining Order* (form DV-110), *Response to Request for Domestic Violence Restraining Order* (form DV-120), and *Restraining Order After Hearing* (form DV-130). Commentators generally approved of the revision.

Check boxes to indicate orders on *Temporary Restraining Order* (form DV-110) and *Restraining Order After Hearing* (form DV-130)

Temporary Restraining Order (form DV-110) includes boxes for applicable items for the court to indicate whether the requested item has been granted, denied until the court hearing, or not requested. The boxes would be revised to read:

Not requested **Denied until the hearing** **Granted as follows:**

Restraining Order After Hearing (form DV-130) would retain the single check box at the beginning of each item that might be ordered. If the order were denied, the box would not be checked. To make the denial clearer, the judicial officer may also physically cross out an item.

In response to the invitation to comment, 12 commentators expressed opinions about the use of boxes on the orders. Nine commentators preferred including the three explanatory boxes, and 3 preferred having a single box before each order. A commentator suggested adding the words "...until the hearing" after "Denied" in the explanatory boxes on the temporary restraining orders so that litigants would not think that a request has been denied forever.

Commentators favoring the explanatory boxes contended that the inclusion of the boxes makes it clearer to the parties and law enforcement what the court has ruled. Particularly, it is much clearer that an order has been denied when a box labeled "Denied" is checked than it is merely by the failure to check an unlabeled box. In addition, some judicial officers indicated that they prefer the three check boxes because the boxes prompt them to review the requests and confirm that they have responded to every item requested.

The check boxes also address an issue relating to the modernization of the forms-generation process. When proposed orders are submitted on paper, a judicial officer could physically cross out and initial a denied order, but he or she will not be able to do so when preparing an order electronically. The availability of the explanatory check boxes enables judicial officers to complete orders electronically. By checking the "Denied" box, the judicial officer can indicate his or her ruling without crossing out any text. Similarly, by checking "Granted as follows:" the court can indicate that what follows is its ruling.

On the other hand, other commentators stated that the explanatory check boxes on the orders are unnecessary, burdensome, and confusing. They preferred a single check box at the beginning of each item that might be ordered. If the order is granted, the box would be checked; and if the order is denied, the box would not be checked. To make the denial clearer, the judicial officer may also physically cross out an item.

After considering the comments, the committee recommends including the explanatory boxes on the temporary restraining order forms along with the words "until the hearing" after "Denied." The committee recommends that the orders after hearing retain the current layout, which has a single check box at the beginning of each applicable order. If the box is checked, it means that the order is granted; if it is not checked, it means that the order is not granted. The committee

concluded that the three explanatory check boxes are unnecessary on the *Restraining Order After Hearing* because that order is in effect for a much longer period and the benefit of using the check boxes to track back to the initial order has already been used. The only issue at the order after hearing stage is to indicate if the order was granted.

Request to Continue Hearing and Reissue Temporary Restraining Order (form DV-115) and Notice of New Hearing Date and Order on Reissuance (form DV-116)

Many commentators objected to separating the reissuance into two forms. Several indicated that the current one-page request and order is simple and that adding another form creates unnecessary confusion and additional paperwork for self-represented litigants.

At the same time, many of the same commentators agreed that a separate form, just for the order, would provide more flexibility. It would allow the court to issue a continuance on its own motion, which is unworkable on the current combined application and order form. In response to the comments, the committee recommends narrowing the function of the request form to be applicable only for failure to timely serve the moving papers. The new order form would be completed by the court; it provides a section for the court to indicate the reasons for issuing the continuance and the reasons for denying a request to reissue temporary orders (if applicable) and clearly indicates whether the hearing is continued or not.

How to Ask for a New Hearing Date (Reissuance) (DV-115-INFO)

One commentator objected to the proposal to combine the request to continue the hearing with its related information sheet. In response, the committee recommends a separate information sheet. It would be substantially revised from the version that was circulated for comment because the reissuance request form has been narrowed to apply only to cases where a petitioner seeks a continuance or reissuance for failure to timely serve the moving papers.

Change to Restraining Order After Hearing (form DV-300)

This form was included in the invitation to comment but, due to significant comments and concerns, the committee does not recommend that the Judicial Council adopt the form at this time. The form, while not mandated by any legislation, could reduce the court staff time needed to memorialize modifications to orders after hearing. However, commentators raised concerns about the potential for confusion by law enforcement personnel and others. The committee recommends that the form undergo further development.

Request to Renew Restraining Order (form DV-700), How Do I Ask the Court to Renew My Restraining Order? (form DV-700-INFO), Notice of Hearing to Renew Restraining Order (form DV-710), Response to Request to Renew Restraining Order (form DV-720), and Order to Renew Domestic Violence Restraining Order (form DV-730)

Commentators provided specific recommendations to improve the order form. One commentator suggested that the form be revised to reference the fact that child custody, visitation, and child support orders may have been modified since the original restraining order was issued. The commentator suggested including a section for the court to indicate the date of any modified orders. The committee considered that child custody, visitation, and support orders may have

numerous modification dates and therefore recommends including a notice that those orders may have been modified after the original restraining order was issued.

Confidential CLETS Information (form CLETS-001)¹⁵

Comments were specifically sought on two issues:

- Should there be separate forms for each of the six case types, or one form with a universal identifier (e.g., CLETS-001)? The form is used in DV, CH, EA, WV, JV, and SV.
- Should the form include the petitioner's address?

One Universal Form. Of the commentators who expressed an opinion, 9 preferred one universal form (although 1 of the commentators asked for a DV prefix and another wanted to confirm that the form would be included in each case type), and 4 preferred a separate form for each case type.

Commentators indicated two main concerns: the form must be (1) easy for self-represented litigants to locate, and (2) easy for court staff to manage. A judge noted that he initially favored one universal form but then changed his mind because he feared that litigants might not be able to locate it. A court that favored one universal form noted that having one form would be much easier for court staff: they could just copy and hand out one form.

The committee considered all of the comments and concluded that a universal form with a single designator would be simpler and require fewer court resources. Furthermore, litigants accessing the forms online will be able to locate the form without difficulty. The form will be located on the California Courts website in each of the case types, accessible in the drop down menu, and each petition will reference the form name and number at the beginning of the form. Court staff will be educated to use the single form, so if a court creates forms packets, the court will include CLETS-001 in each packet, as appropriate. A single form will be easier for court staff to manage because they will not have to retain multiple copies of separate forms for each case type.

Include petitioner's address. Of the commentators who expressed an opinion about whether to include the petitioner's address on the CLETS-001, 3 favored including the address, 2 did not object, and 4 were opposed. One court indicated that the sheriff needed the address but did not say why; another court indicated that it needed the address to contact the litigant. Several commentators noted that the address is the same as listed on the order, which is used by the agency entering the order into CLETS. Several commentators opposed including the petitioner's actual residence address due to safety concerns.

The committee recommends including the petitioner's mailing address as listed on the order. It may be beneficial for some agencies that enter the orders into CLETS and it will not pose any

¹⁵ Form CLETS-001 is included in a separate report from the Civil and Small Claims Advisory Committee.

safety concerns since litigants are already alerted to provide a mailing address, not a confidential residence address, on the petition and other court papers.

Other comments

Plain language terms. Comments were received about several of the plain language terms, such as “lawyer” and “police.” One commentator requested revising the terms to “attorney” and “law enforcement.” The committee recommends keeping the plain language terms because they are more easily understood by a general lay audience.

Revoke Form DV-170. One commentator opposed the proposal to revoke form DV-170 on the grounds that parties and the court often need an additional page to memorialize other orders. The committee notes that all of the orders that were on form DV-170 are incorporated into form DV-130, *Restraining Order After Hearing*. Further, parties and the court are free to use additional pages for other orders.

Attachments. Several commentators objected to the number of attachments that could be included with the forms. However, these comments reflect the current forms; the proposed forms do not create additional attachments.

Alternatives Considered and Policy Implications

Option 1: Adopt Rule 5.381 and adopt, approve, and revoke forms as specified

This option incorporates the new rule and all new, revised, and revoked forms as recommended by the committee. The rule was envisioned as part of a larger rules reorganization that would have significantly renumbered and restructured the family law rules and placed this rule in chapter 11 of title 5, division 1, of the California Rules of Court. In consideration of budgetary and other pressures currently facing the trial courts, the larger reorganization has been postponed and only the most urgently needed rules will proceed at this time. If the larger rules reorganization takes effect, new chapter 8 of title 5, division 1, will be consolidated and will no longer be needed. The rule number will remain the same.

Option 2: Revise forms only as specifically mandated by recent legislation

This option would result in minor revisions to existing forms to implement recent legislation. The rule would not be adopted because it is not legislatively mandated. The committee strongly objects to this option because:

- The additional, non-legislatively mandated revisions provide clarity and may save judicial and court staff time; and
- The revisions improve consistency among the various civil restraining order forms.

For example, the recommendation to align the item numbers on forms DV-100, DV-110, DV-120, and DV-130 will save time and reduce frustration and confusion because judicial officers will not have to flip back and forth among the forms to figure out whether a specific item was requested, responded to, or ordered.

Option 3: Take no action

This option would result in forms that violate statutes and would increase confusion for self-represented litigants, law enforcement officers, attorneys, and judicial officers.

Implementation Requirements, Costs, and Operational Impacts

Whether the implementation of rule 5.381 would require additional staff time is unclear. Court practices vary regarding charging filing fees for modifying child custody, visitation, and support orders. Many courts do not charge filing fees, but some do. If a court wants to charge a filing fee as specified by the rule, court staff would be required to research the court file to determine if the restraining order is no longer in effect.

The proposal may require education to familiarize court personnel with new and revised forms. Several of the forms would result in decreased staff time. For example, use of *Order to Renew Domestic Violence Restraining Order* (form DV-730) will save staff time in cases where a renewed restraining order is identical to the original order except for its duration. In those cases, the court will need to complete only form DV-730, which is one page, instead of a new *Restraining Order After Hearing* (form DV-130), which is six pages.

The time necessary to deliver education to court personnel may decrease because the recommendation will improve consistency among the forms relating to all of the civil protective orders.

Attachments

1. Cal. Rules of Court, rule 5.381, at page 20
2. Forms in numerical order, at pages 21-96
3. Chart of comments, at pages 97-241
4. Attachment A: Excerpts of Assembly Bill 1596, at page 242
5. Attachment B: Excerpts of Assembly Bill 939, at page 243
6. Attachment C: Comparison chart of form names and numbers, at pages 244-246

Rule 5.381 of the California Rules of Court is adopted effective January 1, 2012, to read:

1 **Rule 5.381. Modification of child custody, visitation, and support orders in**
2 **Domestic Violence Prevention Act cases**

3
4 **(a) Application of rule**

5
6 This rule addresses court procedures for the modification of child custody,
7 visitation, and support orders in accordance with Family Code section
8 6340(a).

9
10 **(b) Filing fees**

11
12 A filing fee may be charged on a request to modify a child custody,
13 visitation, or support order only after a protective order, as defined in Family
14 Code section 6218, is no longer in effect. The filing fee, if charged, is the
15 same as the filing fee for a motion, application, or any other paper requiring
16 a hearing after the first paper.

17
18 **(c) Retention**

19
20 The court must retain any child custody, visitation, or support order filed in a
21 Domestic Violence Prevention Act as a Family Law order under Government
22 Code section 68152(c)(5).

23

DV-100

Request for Domestic Violence Restraining Order

Clerk stamps date here when form is filed.

DRAFT
Not Approved by the
Judicial Council

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

Fill in court name and street address:

Superior Court of California, County of

Clerk fills in case number when form is filed.

Case Number:

1 Name of person asking for protection:

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

Name: State Bar No.:

Firm Name:

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

Address:

City: State: Zip:

Telephone: Fax:

E-Mail Address:

2 Name of person you want protection from:

Description of person you want protection from:

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

Race: Age: Date of Birth:

Address (if known):

City: State: Zip:

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

If yes, list them:

Full name Sex Age Lives with you? Relationship to you

Yes No

Yes No

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.

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.

e. We are related by blood, marriage, or adoption (specify relationship):

f. We are dating or used to date, or we are or used to be engaged to be married.

g. We are the parents together of a child or children under 18:

Child's Name: Date of Birth:

Child's Name: Date of Birth:

Child's Name: Date of Birth:

Check here if you need more space. Attach a sheet of paper and write "DV-100, Children Under 18" for a title.

h. We have signed a Voluntary Declaration of Paternity for our child or children. (Attach a copy if you have one).

This is not a Court Order.



5 Other Court Cases

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

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

Kind of Case	County or Tribe Where Filed	Year Filed	Case Number (if known)
<input type="checkbox"/> Divorce, Nullity, Legal Separation	_____	_____	_____
<input type="checkbox"/> Civil Harassment	_____	_____	_____
<input type="checkbox"/> Domestic Violence	_____	_____	_____
<input type="checkbox"/> Criminal	_____	_____	_____
<input type="checkbox"/> Juvenile, Dependency, Guardianship	_____	_____	_____
<input type="checkbox"/> Child Support	_____	_____	_____
<input type="checkbox"/> Parentage, Paternity	_____	_____	_____
<input type="checkbox"/> Other (specify): _____	_____	_____	_____
<input type="checkbox"/> 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 No Guns or Other Firearms
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.

DV-101

Description of Abuse

Case Number: _____

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

① **Name of person asking for protection:** _____

② **Name of person you want protection from:** _____

③ **Describe the 2nd most recent abuse.**

a. Date of 2nd most recent abuse: _____

b. Who was there? _____

c. Describe how the person in ② abused you or your children: _____

d. Describe any use or threatened use of guns or other weapons: _____

e. Describe any injuries: _____

f. Did the police or other law enforcement come? No Yes
If yes, did they give you or the person in ② an Emergency Protective Order? Yes No I don't know
The Emergency Protective Order protects You The person in ②

Attach a copy of the Emergency Protective Order if you have one.



4 Describe other recent abuse.

a. Date of other recent abuse: _____

b. Who was there? _____

c. Describe how the person in ② abused you or your children: _____

d. Describe any use or threatened use of guns or other weapons: _____

e. Describe any injuries: _____

f. Did the police or other law enforcement come? No Yes

If yes, did they give you or the person in ② an Emergency Protective Order? Yes No I don't know

The Emergency Protective Order protects You The person in ②

Attach a copy of the Emergency Protective Order if you have one.

5 Describe other abuse against you or your children.

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

DV-105

Request for Child Custody and Visitation Orders

Case Number:

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

Check the orders you want [X].

1 Your name: _____ [] Mom [] Dad [] Other*

2 Other parent's name: _____ [] Mom [] Dad [] Other*

*If Other, specify relationship to child: _____

3 [] Child Custody

I ask the court for custody as follows:

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

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

Table with columns: Child's Name, Date of Birth, Mom, Dad, Other (Legal Custody), Mom, Dad, Other (Physical Custody). Rows a, b, c, d.

[] Check here if you need more space. Attach a sheet of paper and write "DV-105, Child Custody" for a title.

4 [] Change Current Court Order

I want to change a current child custody or visitation court order.

Case Number (if you have it): _____ County: _____

Explain your current order and why you want a change. _____

[] Check here if you need more space. Attach a sheet of paper and write "DV-105, Change Current Court Order" for a title.

5 Child's Address

Where has the child in (3)(a) lived for the last 5 years? Give each city and state the child has lived unless it is unknown to the other parent and you want to keep it confidential because of domestic violence or child abuse. Start with where the child lives now and work backwards in time. (If the current address is confidential, check the box below and just provide the current state).

Table with columns: Child (3)(a) addresses (city and state), Child (3)(a) lived with: Mom, Dad, Other, Dates lived there: From, to present.

[] Check here if you need more space. Attach a sheet of paper and write "DV-105, Child's Address" for a title.

This is not a Court Order.

6 Other Children's Addresses

- Check here if the other child's (or children's) address information is the same as listed in 5.
- If it is different, check here. Attach a sheet of paper and write "DV-105, Other Children's Addresses" for a title. List other children's address information, including dates, and name of person child lived with.

7 Other Custody Case

Were you involved in, or do you know of, any other custody case for any child listed in this form?

- No Yes *If yes, fill out below and attach a copy of any custody or visitation orders if you have them:*

a. Name of each child in other custody case: _____

- b. Type of case: Parentage (Paternity) Divorce Child Support Guardianship
- Juvenile/Dependency Domestic Violence
- Other (specify): _____

c. I was a Party Witness Other (specify): _____

d. Court (name): _____

Address: _____ County: _____ State: _____

e. Date of court order: _____

f. Case number (if you have it): _____

8 Other People With or Claiming to Have Custody or Visitation Rights

Do you know of anyone who is not involved in this case who has or claims to have custody or visitation rights with any child listed on this form? No Yes *If yes, fill out below:*

Name and address of that person:

- Has custody Claims custody rights Claims visitation rights

For these children (name of each child):

Check here if you need more space. Attach a sheet of paper and write "DV-105, Other People With or Claiming Custody or Visitation" for a title.

9 Visitation

I ask the court to order that the person in 2 have the following temporary visitation rights:

(Check all that apply)

- a. No visitation until the hearing
- b. No visitation after the hearing
- c. The following visitation until the hearing after the hearing

(1) Weekends (starting): _____ (The 1st weekend of the month is the 1st weekend with a Saturday.)

1st 2nd 3rd 4th 5th weekend of month

from _____ at _____ a.m. p.m. to _____ at _____ a.m. p.m.
(day of week) (time) (day of week) (time)

(2) Weekdays (starting): _____

from _____ at _____ a.m. p.m. to _____ at _____ a.m. p.m.
(day of week) (time) (day of week) (time)

This is not a Court Order.



10 **Other Visitation**

Attach a sheet of paper with other visitation days and times, like summer vacation, holidays, and birthdays. List dates and times. Write "DV-105, Visitation" for a title.

11 **Responsibility for Transportation**

The parent will take or pick up the child or make arrangements for someone else to do so.

I ask the court to order that:

- a. Mom Dad Other (name): _____ **take children to the visits.**
- b. Mom Dad Other (name): _____ **pick up children from the visits.**
- c. Drop-off / pick-up of children will be at (address): _____
- d. Check here if other arrangement. Attach a sheet of paper and write "DV-105, Responsibility for Transportation" for a title.

12 **Supervised Visitation**

- a. I ask that the visitation in **9** be supervised by _____
 A professional supervisor A non-professional supervisor Other _____
 Name and telephone number, if known: _____
- b. I ask that the visitation in **10** be supervised by _____
 A professional supervisor A non-professional supervisor Other _____
 Name and telephone number, if known: _____
- c. I ask that any costs for supervision be paid by:
 Mom _____% Dad _____% Other (name) _____%

13 **Travel With Children**

I ask the court to order that:

- Mom Dad Other (name): _____ **must** have written permission from the other parent, or a court order, to take the children outside of:
- a. The State of California County of: _____
- b. Other place(s) (list): _____

14 **Child Abduction Risk**

I believe that there is a risk the other parent will take our child out of California and hide the child from me. If you check this box you must fill out and attach Form DV-108, Request for Order: No Travel with Children.

Important Instructions

- You must tell the court if you find out any other information about a custody case in any court for the children listed on this form.
- If the court makes a temporary custody order, the parent receiving custody must not take the child out of California without a noticed hearing. (See Family Code §3063.)

This is not a Court Order.

DV-108

Request for Order: No Travel with Children

Case Number:

This form is attached to DV-105, Request for Child Custody and Visitation Orders.

1 Your name: Mom Dad Other*

2 Other parent's name: Mom Dad Other*

*If "Other," specify relationship with children:

3 Do you think the other parent may take the children without your permission to:
a. Another county in California? Yes No If "yes," what county?
b. Another state? Yes No If "yes," what state?
c. A foreign country? Yes No If "yes," what country?

If "Yes," is the other parent a citizen of that country? Yes No

If "Yes," does the other parent have family or emotional ties to that country? Yes No

Explain:

4 Why do you think the other parent may take the children without your permission?

The other parent: (Check all that apply)

- a. Has violated — or threatened to violate — a custody or visitation order in the past.
b. Does not have strong ties to California.
c. Has done things recently that make it easy for him or her to take the children away without permission.

He or she has: (Check all that apply)

- Quit his or her job Sold his or her home
Closed a bank account Ended a lease
Sold or gotten rid of assets Hidden or destroyed documents
Applied for a passport, birth certificate, or school or medical records

- d. Has a history of: (Check all that apply)
Domestic violence
Child abuse
Not cooperating with me in parenting
Child abduction

e. Has a criminal record

f. Please explain your answers to a–e:

Blank lines for explanation of answers to a-e.

This is not a Court Order.

What orders do you want? Check the boxes that apply to your case.

- 5 **Post a Bond**
I ask the court to order the other parent to post a bond for \$ _____. If the other parent takes the children without my permission, I can use this money to bring the children back.

- 6 **Do Not Move Without My Permission or Court Order**
I ask the court to order the other parent *not* to move with the children without my written permission or a court order.

- 7 **No Travel Without My Permission**
I ask the court to order the other parent *not* to travel with the children outside: (*Check all that apply*)
 This county California The United States Other (*specify*): _____

- 8 **Notify Other State of Travel Restrictions**
I ask the court to order the other parent to register this order in the state of _____ before the children can travel to that state for visits.

- 9 **Turn In and Do Not Apply for Passports or Other Vital Documents**
I ask the court to order the other parent to turn in and *not* apply for passports or other documents (such as visas or birth certificates) that can be used for travel.

- 10 **Provide Itinerary and Other Travel Documents**
If the other parent is allowed to travel with the children, I ask the court to order the other parent to give me before leaving:
 The children's travel itinerary
 Copies of round-trip airline tickets
 Addresses and telephone numbers where the children can be reached
 An open airline ticket for me in case the children are not returned
 Other (*specify*): _____

- 11 **Notify Foreign Embassy or Consulate of Passport Restrictions**
I ask the court to order the other parent to notify the embassy or consulate of _____ of this order and to provide the court with proof of that notification within _____ calendar days.

- 12 **Foreign Custody and Visitation Order**
I ask the court to order the other parent to get a custody and visitation order equal to the most recent U.S. order before the child can travel to that country for visits. I understand that foreign orders may be changed or enforced depending on the laws of the country.

- 13 I declare under penalty of perjury under the laws of the State of California that the information on this form is true and correct.

Date: _____

Type or print your name

Sign your name

This is not a Court Order.

DV-109

Notice of Court Hearing

Clerk stamps date here when form is filed.

DRAFT
Not approved by the
Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Clerk fills in case number when form is filed.

Case Number:

1 Name of Person Asking for Order:

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

Name: _____ State Bar No.: _____

Firm Name: _____

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

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

2 Name of Person to Be Restrained:

The court will fill out the rest of this form.

3 Notice of Court Hearing

A court hearing is scheduled on the request for restraining orders against the person in **2**.

Hearing Date	→ Date: _____	Time: _____	Name and address of court if different from above:
	Dept.: _____	Room: _____	_____

4 Temporary Restraining Orders (any orders granted are attached on Form DV-110)

a. Temporary restraining orders for personal conduct, stay away, and protection of animals, as requested in Form DV-100, *Request for Domestic Violence Restraining Order*, are:

- (1) All **granted** until the court hearing
- (2) All **denied** until the court hearing (specify reasons for denial in **(b)**):
- (3) Partly **granted** and partly **denied** until the court hearing (specify reasons for denial in **(b)**):

b. Requested temporary restraining orders for personal conduct, stay away, and protection of animals are denied because:

- (1) The facts as stated in form DV-100 do not show reasonable proof of a past act or acts of abuse. (Family Code, §§ 6320 and 6320.5)
- (2) The facts do not describe in sufficient detail the most recent incidents of abuse, such as what happened, the dates, who did what to whom, or any injuries or history of abuse.
- (3) Further explanation of reason for denial, or reason not listed above:

This is a Court Order.

Notice of Court Hearing
(Domestic Violence Prevention)



5 Service of Documents and Time for Service—for Person in 1

At least five or ___ days before the hearing, someone age 18 or older—not you or anyone else to be protected—must personally give (serve) a court’s file-stamped copy of this form (DV-109, *Notice of Court Hearing*) to the person in 2 along with a copy of all the forms indicated below:

- a. Form DV-100, *Request for Domestic Violence Restraining Order*, (file-stamped) with applicable attachments
- b. Form DV-110, *Temporary Restraining Order* (file-stamped) with applicable attachments **if granted by the judge**
- c. Form DV-120, *Response to Request for Domestic Violence Restraining Order* (blank form)
- d. Form DV-250, *Proof of Service by Mail* (blank form)
- e. Other (*specify*): _____

Date: _____

*Judicial Officer***Right to Cancel Hearing: Information for the Person in 1**

- If item 4(a)(2) or 4(a)(3) is checked, the judge has denied some or all of the temporary orders you requested until the court hearing. The judge may make the orders you want after the court hearing. You can keep the hearing date, or you can cancel your request for orders so there is no court hearing.
- If you want to cancel the hearing, use Form DV-112, *Waiver of Hearing on Denied Request for Temporary Restraining Order*. Fill it out and file it with the court as soon as possible. You may file a new request for orders, on the same or different facts, at a later time.
- If you cancel the hearing, do not serve the documents listed in item 5 on the other person.
- If you want to keep the hearing date, you must have all of the documents listed in item 5 served on the other person within the time listed in item 5.
- At the hearing, the judge will consider whether denial of any requested orders will jeopardize your safety and the safety of children for whom you are requesting custody or visitation.
- You must come to the hearing if you want the judge to make restraining orders or continue any orders already made. If you cancel the hearing or do not come to the hearing, any restraining orders made on Form DV-110 will end on the date of the hearing.

To the Person in 1

- The court cannot make the restraining orders after the court hearing unless the person in 2 has been personally given (served) a copy of your request and any temporary orders. To show that the person in 2 has been served, the person who served the forms must fill out a proof of service form. Form DV-200, *Proof of Personal Service* may be used.
- For information about service, read Form DV-210-INFO, *What Is “Proof of Personal Service”?*
- If you are unable to serve the person in 2 in time, you may ask for more time to serve the documents. Read Form DV-115-INFO, *How to Ask for a New Hearing Date*.

This is a Court Order.

To the Person in ②

- If you want to respond in writing, mail a copy of your completed Form DV-120, *Response to Request for Domestic Violence Restraining Order*, to the person in ① and file it with the court. You cannot mail Form DV-120 yourself. Someone age 18 or older—**not you**—must do it.
- To show that the person in ① has been served by mail, the person who mailed the forms must fill out a proof of service form. Form DV-250, *Proof of Service by Mail*, may be used. File the completed form with the court before the hearing and bring it with you to the hearing.
- For information about responding to a restraining order and filing your answer, read Form DV-120-INFO, *How Can I Respond to a Request for Domestic Violence Restraining Order?*
- Whether or not you respond in writing, go to the court hearing if you want the judge to hear from you before making orders. You may tell the judge why you agree or disagree with the orders requested. You may bring witnesses and other evidence.
- **At the hearing, the judge may make restraining orders against you that could last up to five years.**
- **The judge may also make other orders about your children, child support, spousal support, money, and property and may order you to turn in or sell any firearms that you own or possess.**



Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk’s office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Response* (Form MC-410). (Civil Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk’s Certificate—

Clerk’s Certificate
[seal]

I certify that this *Notice of Court Hearing* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

Clerk stamps date here when form is filed.

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

DRAFT
Not Approved by the
Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Clerk fills in case number when form is filed.

Case Number:

① Name of Protected Person:

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

Name: _____ State Bar No.: _____

Firm Name: _____

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

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

② Name of Restrained Person:

Description of restrained person:

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

Race: _____ Age: _____ Date of Birth: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

Relationship to protected person: _____

③ Additional Protected Persons

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

<u>Full name</u>	<u>Relationship to person in ①</u>	<u>Sex</u>	<u>Age</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Check here if there are additional protected persons. List them on an attached sheet of paper and write, "DV-110, Additional Protected Persons" as a title.

The court will complete the rest of this form.

④ Expiration Date

This order expires at the date and time of the hearing below:

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

This is a Court Order.



5 **Criminal Protective Order**

- a. A criminal protective order on Form CR-160, *Criminal Protective Order—Domestic Violence*, is in effect.
 Case Number: _____ County: _____ Expiration Date: _____
- b. No information has been provided to the judge about a criminal protective order.

To the person in 2

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

6 **Personal Conduct Orders** **Not requested** **Denied until the hearing** **Granted as follows:**

- a. You must **not** do the following things to the person in 1 and persons in 3:
- Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, or block movements
 - Contact, either directly or indirectly, in any way, including but not limited to, by telephone, mail, e-mail or other electronic means
 - Take any action, directly or through others, to obtain the addresses or locations of the persons in 1 and 3. *(If this item is not checked, the court has found good cause not to make this order.)*
- b. Peaceful written contact through a lawyer or process server or another person as needed to serve Form DV-120 (*Response to Request for Domestic Violence Restraining Order*) or other legal papers is allowed and does not violate this order.
- c. Exceptions: Brief and peaceful contact with the person in 1, and peaceful contact with children in 3, as required for court-ordered visitation of children, is allowed unless a criminal protective order says otherwise.

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

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

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

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

This is a Court Order.



9 No Guns or Other Firearms or Ammunition

- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.
- b. You must:
 - Sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms within your immediate possession or control. This must be done within 24 hours of being served with this order.
 - File a receipt with the court within 48 hours of receiving this order that proves guns have been turned in or sold. (You may use Form DV-800, *Proof of Firearms Turned In or Sold*, for the receipt.)
- c. The court has received information that you own or possess a firearm.

10 Record Unlawful Communications

Not requested Denied until the hearing Granted as follows:

The person in ① can record communications made by you that violate the judge’s orders.

11 Care of Animals Not requested Denied until the hearing Granted as follows:

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

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

You and the person in ① must follow the orders listed in attached Form DV-140, *Child Custody and Visitation Order*. The parent with temporary custody of the child must not remove the child from California until a noticed hearing (*Family Code Section 3063*).

13 Child Support

Not ordered now but may be ordered after a noticed hearing.

14 Property Control Not requested Denied until the hearing Granted as follows:

Until the hearing, *only* the person in ① can use, control, and possess the following property and things:

15 Debt Payment Not requested Denied until the hearing Granted as follows:

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

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

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

If the people in ① and ② are married to each other or are registered domestic partners,

the person in ① the person in ② must not transfer, borrow against, sell, hide, or get rid of or destroy any property, including animals, except in the usual course of business or for necessities of life. In addition, each person must notify the other of any new or big expenses and explain them to the court. (*The person in ② cannot contact the person in ① if the court has made a “no contact” order.*)

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

This is a Court Order.



17 Spousal Support
Not ordered now but may be ordered after a noticed hearing.

18 Lawyer's Fees and Costs
Not ordered now but may be ordered after a noticed hearing.

19 Payments for Costs and Services
Not ordered now but may be ordered after a noticed hearing.

20 Batterer Intervention Program
Not ordered now but may be ordered after a noticed hearing.

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

Check here if there are additional orders. List them on an attached sheet of paper and write "DV-110, other Orders" as a title.

22 No Fee to Serve (Notify) Restrained Person
If the sheriff serves this order, he or she will do it for free.

Date: _____

Judge (or Judicial Officer)

Warnings and Notices to the Restrained Person in 2

You Cannot Have Guns, Other Firearms or Ammunition

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms that you have or control as stated in item 9 above. The court will require you to prove that you did so.

If You Do Not Obey This Order, You Can Be Arrested and Charged With a Crime

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

Service of Order by Mail

If the judge makes a restraining order at the hearing, which has the same orders as in this form, you will get a copy of that order by mail at your last known address, which is written in 2. If this address is not correct, or to know if the orders were made permanent, contact the court.

This is a Court Order.



Child Custody, Visitation, and Support

- **Child custody and visitation:** If you do not go to the hearing, the judge can make custody and visitation orders for your children without hearing from you.
- **Child support:** The judge can order child support based on the income of both parents. The judge can also have that support taken directly from your paycheck. Child support can be a lot of money, and usually you have to pay until the child is age 18. File and serve a *Financial Statement (Simplified)* (Form FL-155) or an *Income and Expense Declaration* (Form FL-150) so the judge will have information about your finances.
- **Spousal support:** File and serve an *Income and Expense Declaration* (Form FL-150) so the judge will have information about your finances. Otherwise, the court may make support orders without hearing from you.

Instructions for Law Enforcement

This order is effective when made. It is enforceable by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS). If the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing, the agency shall advise the restrained person of the terms of the order and then shall enforce it. Violations of this order are subject to criminal penalties.

Arrest Required If Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Penal Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6.

Certificate of Compliance With VAWA

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

(Clerk will fill out this part.)

—Clerk’s Certificate—

Clerk’s Certificate
[seal]

I certify that this *Temporary Restraining Order* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

Clerk stamps date here when form is filed.

Use this form **only** to waive (cancel) the hearing date in item ③ on Form DV-109, Notice of Court Hearing.

Not Approved by the
Judicial Council

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

② **Name of Person to Be Restrained:**

To the Person in ①

- Some or all of the temporary restraining orders you requested were denied for the reasons listed on Form DV-109, *Notice of Court Hearing*.
- The court has set a hearing and might make the orders you want after the hearing.
- Use this form **only** if you want to cancel the hearing date listed on Form DV-109, item ③. If you want to cancel the hearing, sign this form below and file it with the court clerk. Do not serve Form DV-109 and other papers on the person in ②.
- If you already served Form DV-109 and other papers on the person in ②, you must notify that person that you have canceled the hearing. If the person in ② files a response before you file this form, the court may still hear the case.
- If the hearing is canceled, any temporary orders made on Form DV-110, *Temporary Restraining Order* will end on the hearing date. You may file a new request for temporary restraining orders on the same or different facts at a later date.

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

I have read this form and I understand that I have a right to a court hearing. By signing below, I am asking the court to cancel the hearing listed on Form DV-109, *Notice of Court Hearing*. I understand that any orders already made by the court on Form DV-110, *Temporary Restraining Order* will end on the hearing date.

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.

Clerk stamps date here when form is filed.

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

DRAFT
Not Approved by the
Judicial Council

1 Name of Person Asking for Protection:

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

Name: _____ State Bar No.: _____

Firm Name: _____

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

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

2 Name of Person to Be Restrained:

Mailing Address (if known): _____

City: _____ State: _____ Zip: _____

3 Request to Continue Hearing and Reissue Temporary Restraining Order

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

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

Date: _____

Type or print your name

▶ _____
Sign your name

Date: _____

Lawyer's name, if you have one

▶ _____
Lawyer's signature

This is a not a Court Order.

DV-115-INFO How to Ask for a New Hearing Date

You may need to ask for a new hearing date

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

What does Form DV-115 do?

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

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

Follow these steps:

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

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

Need help?

Ask the court clerk about free or low-cost legal help.

For a referral to a local domestic violence or legal assistance program, call the National Domestic Violence Hotline:

1-800-799-7233

TDD: 1-800-787-3224

It’s free and private.

They can help you in more than 100 languages.

DV-116

Notice of New Hearing and Order on Reissuance

Clerk stamps date here when form is filed.

**DRAFT
Not Approved by the
Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Name of Person Asking for Protection:

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

Name: _____ State Bar No.: _____

Firm Name: _____

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

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

2 Name of Person to Be Restrained:

(Court will fill out all sections below.)

3 New Hearing Date

A new hearing date is scheduled because (check the boxes that apply):

- a. The person in ② was not served before the current hearing date.
- b. The parties were referred to Family Court Services.
- c. The person in ② asked for time to hire a lawyer or prepare a response.
- d. Other (specify):

4 Order for Continuance and Notice of Hearing

The Notice of Court Hearing (Form DV-109) is reset for hearing in this court on this new date:

New Hearing Date →	Date: _____	Time: _____	Name and address of court if different from above:
	Dept.: _____	Room: _____	_____

This is a Court Order.

5 Reissue Temporary Restraining Order

- a. No temporary restraining order was issued in this case.
- b. The request to reissue the temporary restraining order is **GRANTED**.
The attached *Temporary Restraining Order* (Form DV-110) is reissued. Any orders listed on that form remain in effect until the end of the hearing in **4**.
- c. The request to reissue the temporary restraining order is **DENIED** until the hearing.
Reason for denial:

Warning and Notice to the Person in 2

If the request to reissue the Temporary Restraining Order is **GRANTED** in **5(b)**, you must continue to obey the attached Temporary Restraining Order until the end of the hearing scheduled in **4**.

6 Expiration Date

If **5(b)** is checked, the attached *Temporary Restraining Order* (Form DV-110) expires at the end of the hearing scheduled in **4**.

7 Service of Order

- a. No further service of this Order is required because both parties were present at the hearing when the new hearing date was ordered.
- b. A copy of this Order must be served on the person in **1** at least _____ days before the hearing.
- c. A copy of this Order must be served on the person in **2** at least _____ days before the hearing, along with all other documents requesting domestic violence restraining orders. If the reissuance is denied in item **5(c)**, a copy of the Temporary Restraining Order must **not** be attached or served.

8 No Fee to Serve (Notify) Restrained Person

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

Date: _____

Judicial Officer

This is a Court Order.



Case Number:



Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Response* (Form MC-410). (Civil Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate

I certify that this *Notice of New Hearing Date and Order on Reissuance* is a true and correct copy of the original on file in the court.

[seal]

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

Clerk stamps date here when form is filed.

DRAFT
Not Approved by the
Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Name of Person Asking for Protection:

(See Form DV-100, item 1):

2 Your Name:

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

Name: State Bar No.:

Firm Name:

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

Address:

City: State: Zip:

Telephone: Fax:

E-Mail Address:

3 Use this form to respond to the Request for Domestic Violence Restraining Order (Form DV-100)

- Fill out this form and take it to the court clerk.
Have the person in 1 served by mail with a copy of this form and any attached pages.
For more information, read Form DV-120-INFO, How Can I Respond to Request for Domestic Violence Restraining Order?

The judge will consider your Response at the hearing.

Write your hearing date, time, and place from Form DV-109, Notice of Court Hearing, item 3 here:

Hearing Date -> Date: Time: Dept.: Room:

You must obey the orders in Form DV-110, Temporary Restraining Order, until the hearing. At the hearing, the court may make restraining orders against you that could last up to 5 years and could be renewed.

4 Relationship to Person Asking for Protection

- I agree to the relationship listed in item 4 on Form DV-100.
I do not agree to the relationship listed in item 4 on Form DV-100. (Specify your reasons in item 23, page 4 of this form.)

5 Other Protected People

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

6 Personal Conduct Order

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

This is not a Court Order.

7 **Stay-Away Orders**

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

8 **Move-Out Order**

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

9 **Turn In Guns or Other Firearms**

If you were served with Form DV-110, Temporary Restraining Order, you must turn in any guns or firearms in your immediate possession or control. You must file a receipt with the court from a law enforcement agency or a licensed gun dealer within 48 hours after you received Form DV-110.

- a. I do not own or have any guns or firearms.
 b. I ask for an exemption from the firearms prohibition under Family Code § 6389(h) because
 (*specify*): _____
 c. I have turned in my guns and firearms to law enforcement or sold them to a licensed gun dealer.
 d. A copy of the receipt showing that I turned in or sold my firearms
 is attached has already been filed with the court.

10 **Record Unlawful Communications Order**

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

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

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

12 **Child Custody and Visitation Order**

- a. I agree to the order requested.
 b. I do not agree to the order requested. (*Specify your reasons in item 23, page 4 of this form.*)
 c. I am not the parent of the child listed in Form DV-105, *Request for Child Custody and Visitation Orders*.
 d. I ask for the following custody order (*specify*):

- e. I do I do not agree to the orders requested to limit the child's travel as listed in Form DV-108,
Request for Order: No Travel with Children.

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

13 **Child Support Order** (*Check all that apply*):

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

Whether or not you agree to pay support, you must fill out, serve, and file Form FL-150, Income and Expense Declaration or FL-155, Financial Statement.

This is not a Court Order.



- 14** **Property Control Order**
 a. I agree to the order requested.
 b. I do not agree to the order requested. *(Specify your reasons in item 23, page 4 of this form.)*
- 15** **Debt Payment Order**
 a. I agree to the order requested.
 b. I do not agree to the order requested. *(Specify your reasons in item 23, page 4 of this form.)*
- 16** **Property Restraint Order**
 a. I agree to the order requested.
 b. I do not agree to the order requested. *(Specify your reasons in item 23, page 4 of this form.)*
- 17** **Spousal Support Order**
 a. I agree to the order requested.
 b. I do not agree to the order requested. *(Specify your reasons in item 23, page 4 of this form.)*
Whether or not you agree, you must fill out, serve, and file Form FL-150, Income and Expense Declaration.
- 18** **Lawyer's Fees and Costs**
 a. I agree to the order requested.
 b. I do not agree to the order requested. *(Specify your reasons in item 23, page 4 of this form.)*
 c. I request the court to order payment of my lawyer's fees and costs.
Whether or not you agree, you must fill out, serve, and file Form FL-150, Income and Expense Declaration.
- 19** **Payments for Costs and Services**
 a. I agree to the order requested.
 b. I do not agree to the order requested. *(Specify your reasons in item 23, page 4 of this form.)*
- 20** **Batterer Intervention Program**
 a. I agree to the order requested.
 b. I do not agree to the order requested. *(Specify your reasons in item 23, page 4 of this form.)*
- 21** **Other Orders** *(see item 21 on Form DV-100)*
 a. I agree to the order requested.
 b. I do not agree to the order requested. *(Specify your reasons in item 23, page 4 of this form.)*
- 22** **Out-of-Pocket Expenses**
 I ask the court to order payment of my out-of-pocket expenses because the temporary restraining order was issued without enough supporting facts. The expenses are:
 Item: _____ Amount: \$ _____ Item: _____ Amount: \$ _____
You must fill out, serve, and file Form FL-150, Income and Expense Declaration.

This is not a Court Order.



23 **Reasons I do not agree to the orders requested**

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

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

Lined area for providing reasons for not agreeing to the orders requested.

24 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.

What is a Domestic Violence Restraining Order?

It is a court order that helps protect people who have been abused or threatened with abuse.

What are the legal requirements?

A Domestic Violence Restraining Order is available if:

- A person has been abused or threatened with abuse and
- The person who was abused has a certain relationship with the person who did the abuse (married, divorced, separated, registered domestic partnership, have a child together, dating or used to date, live together or used to live together as more than just roommates), or are closely related (mother or mother-in-law, father or father-in-law, child or stepchild, grandparent or grandparent-in-law, grandchild or grandchild-in-law, sister or sister-in-law, brother or brother-in-law, stepparent, daughter-in-law or son-in-law). (See Family Code § 6211).

What is abuse?

Abuse means to intentionally or recklessly cause or attempt to cause bodily injury to the protected person; or sexually assault the protected person; or to place the protected person or another person in reasonable fear of imminent serious bodily injury; or to molest, attack, hit, stalk, threaten, batter, harass, telephone, or contact the protected person; or to disturb the protected person’s peace; or to destroy the protected person’s personal property. Abuse can be spoken, written, or physical.

What if the legal requirements are not met?

There are other kinds of orders that might apply:

- Civil harassment order (can be used for neighbors, roommates, cousins, uncles, and aunts)
- Dependent adult or elder abuse restraining order
- Workplace violence order

What can a restraining order do?

The court can order the restrained person to:

- Not contact or harm the protected person, including children listed as protected people
- Stay away from all protected people
- Not have any guns or ammunition
- Move out of the house
- Follow child custody and visitation orders
- Pay child support
- Pay spousal support
- Obey property orders

How do I tell my side of the story?

File Form DV-120, *Response to Request for Domestic Violence Restraining Order*, before the hearing date. Also, have someone mail it to the person who asked for the order or to the person’s lawyer. This is “Service.” The person who mails it must fill out and sign a *Proof of Service by Mail* (Form DV-250). File the *Proof of Service* with the court clerk. Keep a copy. Then, bring a copy of your response on Form DV-120, and the filed *Proof of Service* (Form DV-250), to the hearing.

What if I also have criminal charges against me?

See a lawyer. Anything you say or write, including in this case, can be used against you in your criminal case.

How long does the order last?

If the court makes a temporary restraining order, it will last until the hearing date. At that time, the judge will decide to continue or cancel the order. The restraining order can last for up to 5 years. Custody, visitation, child support, and spousal support orders can last longer than 5 years and they do not end when the restraining order ends.

Is there a cost to file my Response (Form DV-120)?

No.

What if I have a gun or ammunition?

If a restraining order is issued, you cannot own, possess, or have a gun, other firearm, or ammunition while it is in effect. If you have a gun or other firearm in your immediate possession or control, you must sell it to a licensed gun dealer or turn it in to a law enforcement agency. Read Form DV-800-INFO, *How Do I Turn In or Sell My Firearms?*

What if I don't obey the court order?

The police can arrest you. You can go to jail and/or pay a fine.

Should I go to the court hearing?

If you do not go to court, the judge can make the orders without hearing from you. If you object to the orders being made, go to court on the hearing date listed on page 1 of Form DV-109, *Notice of Court Hearing*.

3 Notice of Court Hearing
A court hearing is scheduled

Hearing Date → Date: _____
Dept.: _____

What if the person seeking protection contacts me?

No matter what, you have to follow the court order. The order only says what you can do or cannot do.

Will I see the person seeking protection at the court hearing?

If the protected person comes to the hearing, you will see him or her. Do not talk to the protected person unless the judge or that person's lawyer says you can.

Do I need a lawyer?

Having a lawyer is always a good idea especially if you have children, but it is not required. You are not entitled to a free court-appointed lawyer. Ask the clerk how to find free or low-cost legal services and self-help centers in your county. You can also go to the Family Law Facilitator for help with child support.

Can I bring a witness or other document to the court hearing?

Yes. You can bring witnesses or documents that support your case to the hearing. The judge may or may not let a witness speak at the hearing. So you should also bring copies of the witnesses' written statements of what they saw or heard, signed under penalty of perjury, and provide the other party and the judge with a copy. Your witness can use Form MC-030, *Declaration*, to write a statement.

If we agree, can the person seeking protection and I cancel the order?

No. Once the order is issued, only the judge can change or cancel it.

What if I do not speak English?

When you file your papers, ask the clerk if a court interpreter is available. If an interpreter is not available for your court date, bring someone to interpret for you. Do not ask a child, a witness, or anyone to be protected by the order to interpret for you.

What if I do not have a green card?

The order is valid even if you are not a U.S. citizen. If you are worried about deportation, talk to an immigration lawyer.

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. The court staff can tell you where to get legal help.

What if I have children with the person to be protected?

The judge can make temporary orders for child custody and visitation. If the judge makes a temporary order for child custody, the parent with custody may not remove the child from California before notice to the other parent and a court hearing. Read the order for any other limits. There are some exceptions. Ask a lawyer.

What if I want to leave the county or state?

You must still comply with the restraining order. The restraining order is valid anywhere in the United States.

What if I am deaf or hard of hearing?

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk's office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Order* (Form MC-410). (Civil Code, § 54.8.)

What if I am a victim of domestic violence?

Ask the court clerk about free or low-cost legal help. For a referral to a local domestic violence or legal assistance program, call the National Domestic Violence Hotline:

1-800-799-7233

TDD: 1-800-787-3224

It's free and private.

They can help you in more than 100 languages.

For help in your area, contact:

[Local information may be inserted]

The judge may need to set your hearing for another day.

This happens when:

- You were not able to get the Notice of Court Hearing and any temporary restraining orders served or
The other person asked for time to get a lawyer or prepare an answer or
You need to meet with a family court mediator about child custody or visitation.

If your hearing gets changed to another day, follow these steps:

- Fill out Reissue Notice of Court Hearing and Temporary Restraining Order (Form DV-125).
Ask the judge to sign it and give you a new hearing date. In some courts, you must give your form to the clerk for the judge's signature. Ask the court clerk for information on the local process.
File the form with the clerk. The clerk will make up to five file-stamped copies for you.
Attach one "filed" copy of Form DV-125 to your other court papers (Forms DV-100, DV-109, and DV-110, if issued). Have them served personally on the restrained person. Do this right away. Now the temporary orders, if any, will last until the new hearing date.
The clerk will send the restraining order to law enforcement or CLETS for you. CLETS is a statewide computer system that lets police know about your order.
Bring all of your papers to the next court hearing.

REVOKE

Need help?

Ask the court clerk about free or low-cost legal help or go to www.courtinfo.ca.gov/selfhelp/lowcost. Or call the National Domestic Violence Hotline:

1-800-799-7233

TDD: 1-800-787-3224

It's free and private.

They can help you in more than 100 languages.

For help in your area, contact:

DV-125 Reissue Notice of Court Hearing and Temporary Restraining Order. Includes sections for: Name of person asking for protection, Restrainted person's name, and a declaration section.

Clerk stamps date here when form is filed.

DRAFT Not Approved by the Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Name of Protected Person:

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

Name: State Bar No.:

Firm Name:

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

Address:

City: State: Zip:

Telephone: Fax:

E-Mail Address:

2 Name of Restrained Person:

Description of restrained person:

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

Race: Age: Date of Birth:

Mailing Address (if known):

City: State: Zip:

Relationship to protected person:

3 Additional Protected Persons

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

Table with 4 columns: Full name, Relationship to person in 1, Sex, Age

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

4 Expiration Date

The orders, except as noted below, end on

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

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

This order complies with VAWA and shall be enforced throughout the United States. See page 5.

This is a Court Order.

5 Hearings

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

To the person in ②

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

6 Personal Conduct Orders

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

7 Stay-Away Order

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

8 Move-Out Order

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

This is a Court Order.



9 No Guns or Other Firearms or Ammunition

- a. The person in ② cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.
- b. The person in ② must:
 - Sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms within his or her immediate possession or control. This must be done within 24 hours of being served with this order.
 - File a receipt with the court within 48 hours of receiving this order that proves guns have been turned in or sold. (*Form DV-800, Proof of Firearms Turned In or Sold, may be used for the receipt.*)
- c. The court has received information that the person in ② owns or possesses a firearm.

10 Record Unlawful Communications

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

11 Animals: Possession and Stay-Away

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

12 Child Custody and Visitation

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

13 Child Support

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

14 Property Control

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

15 Debt Payment

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

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

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

16 Property Restraint

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

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

This is a Court Order.



17 **Spousal Support**

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

18 **Lawyer's Fees and Costs**

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

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

19 **Payments for Costs and Services**

The person in **(2)** must pay the following:

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

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

20 **Batterer Intervention Program**

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

21 **Other Orders**

Other orders (*specify*): _____

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

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

23 **Service**

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

24 **Criminal Protective Order**

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

This is a Court Order.



25 **Attached pages are orders.**

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

Date: _____

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

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

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

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

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

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

Instructions for Law Enforcement**Start Date and End Date of Orders**The orders *start* on the earlier of the following dates:

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

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

Arrest Required If Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Penal Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6.

Notice/Proof of Service

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

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

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

If the Protected Person Contacts the Restrained Person

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

Child Custody and Visitation

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

Enforcing the Restraining Order in California

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

Conflicting Orders

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

(Clerk will fill out this part.)

—Clerk’s Certificate—

Clerk’s Certificate
[seal]

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

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

DV-140

Child Custody and Visitation Order

Case Number:

This form is attached to (check one): [] DV-110 [] DV-130

1 Name of Protected Person: [] Mom [] Dad [] Other*

2 Other Parent's Name: [] Mom [] Dad [] Other*

* If Other, specify relationship to child:

The Court Orders:

3 [] Child Custody is ordered as follows:

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

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

Table with columns: Child's Name, Date of Birth, Mom, Dad, Other*, Mom, Dad, Other*. Rows a, b, c.

[] If more children, check here. Attach a sheet of paper and write "DV-140, Child Custody" for a title.

* If Other, specify relationship to child and name of person:

4 [] Child Visitation is ordered as follows:

- a. [] No visitation to [] Mom [] Dad [] Other (name):
b. [] See the attached - page document, dated:
c. [] The parties must go to mediation at:
d. [] Until the next court order, visitation for [] Mom [] Dad [] Other (name): will be:

(1) [] Weekends (starting): (The 1st weekend of the month is the 1st weekend with a Saturday.)
[] 1st [] 2nd [] 3rd [] 4th [] 5th weekend of month
from at a.m. p.m. to at a.m. p.m.

(2) [] Weekdays (starting):
from at a.m. p.m. to at a.m. p.m.

(3) [] Other Visitation

Check here and attach a sheet of paper if there are other visitation days and times, like holidays, birthdays, sports events. List dates and times. Write "DV- 140, Other Visitation" for a title.

5 [] Supervised Visitation or Exchange

Visits and/or exchanges of children are supervised as specified on Form DV-150, Supervised Visitation and Exchange Order.

This is a Court Order.

6 **Responsibility for Transportation for Visitation**

“Responsibility for transportation” means the parent will take or pick up the child or make arrangements for someone else to do so.

- a. Mom Dad Other (name): _____ **take children to** the visits.
 b. Mom Dad Other (name): _____ **pick up children from** the visits.
 c. Drop-off / pick-up of children will be at (address): _____

7 **Travel with Children**

Mom Dad Other (name): _____ **must** have written permission from the other parent, or a court order, to take the children outside of:

- a. The State of California
 b. The United States of America
 c. Other place(s) (list): _____

8 **Child Abduction**

There is a risk that one of the parents will take the children out of California without the other parent’s permission. The orders in Form DV-145, *Order: No Travel with Children*, are attached and must be obeyed. (Fill out and attach Form DV-145 to this form.)

9 **Other Orders**

Check here and attach any other orders to this form. Write “DV-140, Other Orders” as a title.

10 **Jurisdiction**

This court has jurisdiction to make child custody orders in this case under the Uniform Child Custody Jurisdiction and Enforcement Act (part 3 of the California Family Code starting with § 3400).

11 **Notice and Opportunity to Be Heard**

The responding party was given reasonable notice and an opportunity to be heard as provided by the laws of the State of California.

12 **Country of Habitual Residence**

The country of habitual residence of the child or children in this case is The United States of America or Other (specify): _____.

13 **Penalties for Violating This Order**

If you violate this order, you may be subject to civil or criminal penalties, or both.

14 **Duration of Child Custody, Visitation, and Support Orders**

If this form is attached to Form DV-130 (*Restraining Order After Hearing*), the custody and visitation orders in this form remain in effect after the restraining orders on Form DV-130 end.

This is a Court Order.

DV-145

Order: No Travel With Children

Case Number:

This form is attached to DV-140, Child Custody and Visitation Order.

1 Name of Protected Person: Mom Dad Other*

2 Other Parent's Name: Mom Dad Other*

*If Other, specify relationship to child:

The Court Finds:

3 There is a risk that (name of parent) might take the children without permission because that parent (check all that apply):

- a. Has violated—or threatened to violate—a custody or visitation order in the past
b. Does not have strong ties to California
c. Has done things that make it easy for him or her to take the child without permission.

He or she has (check all that apply):

- Quit his or her job Sold his or her home
Closed a bank account Ended a lease
Sold or gotten rid of assets Hidden or destroyed documents
Applied for a passport, birth certificate, or school or medical records

- d. Has a history of (check all that apply):
Domestic violence
Child abuse
Not cooperating with the other parent in parenting
Taking the children without permission

- e. Has a criminal record
f. Has family or emotional ties to another county, state or foreign country

Note: If (f) is checked, at least one other item in items (a)–(e) must be checked also.

The Court Orders:

The Court makes the orders, checked below, to prevent the parent in 3 from taking the children without permission. These orders are valid in other states and any country that has signed The Hague Convention on the Civil Aspects of International Child Abduction.

4 Post a Bond
The parent in 3 must post a bond for \$

5 Do Not Move Without Written Permission of the Other Parent or Court Order
The parent in 3 must not move with the children outside This county California
The United States
Other (specify):
without written permission from the other parent or a court order.

6 Do Not Travel Without Permission of the Other Person or Court Order
The parent in 3 must not travel with the children outside (check all that apply):
This county California The United States Other (specify):
without written permission of the other parent or a court order.

This is a Court Order.

- 7** **Notify Other State of Travel Restrictions**
The parent in **(3)** must register this order in the state of _____ before the children can travel to that state for visits.
- 8** **Turn In and Do Not Apply for Passports or Other Vital Documents**
The parent in **(3)** must *not* apply for passports or other documents (such as visas or birth certificates) that can be used for travel, and must turn in the following documents:

- 9** **Provide Itinerary and Other Travel Documents**
The parent in **(3)** must give the other parent the following before traveling with the children:
 The children’s travel itinerary
 Copies of round-trip airline tickets
 Addresses and telephone numbers where the children can be reached
 An open airline ticket for the other parent in case the children are not returned
 Other (*specify*):
- 10** **Notify Foreign Embassy or Consulate of Passport Restrictions**
The parent in **(3)** must notify the embassy or consulate of _____ of this order and provide the court with proof of that notification within _____ calendar days.
- 11** **Foreign Custody and Visitation Order**
The parent in **(3)** must get a foreign custody and visitation order equal to the most recent U.S. order before the children can travel to that country for visits. The court recognizes that foreign orders may be changed or enforced depending on the laws of that country.
- 12** **Enforcing the Order**
The court authorizes any law enforcement officer to enforce this order. In this county, contact the Child Abduction Unit of the Office of the District Attorney at:

- 13** **Other**

Notice to Authorities in Other States and Countries

This court has jurisdiction to make child custody orders under California’s Uniform Child Custody Jurisdiction and Enforcement Act (California Family Code, part 3, § 3400 et seq.) and The Hague Convention on the Civil Aspects of International Child Abduction (42 U.S.C. § 11601 et seq.). If jurisdiction is based on other factors, they will be listed in paragraph 13 above.

This is a Court Order.

DV-150

Supervised Visitation and Exchange Order

Case Number: _____

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

1 **Name of Protected Person:** _____ Mom Dad Other*

2 **Other Parent's Name:** _____ Mom Dad Other*

**If Other, specify relationship to child:* _____

The Court Orders:

3 **Mediation, Visitation and Exchange**

a. Parties must go to mediation at: _____

b. Visitation of children is supervised.
Parent to be supervised is: Mom Dad Other (name): _____

c. Exchanges of children are supervised.

4 **Schedule of Supervised Visits**

a. All visits as provided in the schedule on Form DV-140, item 4 (d) are to be supervised.

b. Supervised visits shall be _____ visit(s) per week of _____ hours(s) each, to be arranged with the provider.

c. Other schedule of supervised visits is attached. (*Check here and attach a sheet of paper with "DV-150, Other Schedule" for a title.*)

5 **Type of Provider**

a. Professional (individual or supervised visitation center)

b. Nonprofessional

c. Therapeutic (licensed mental health professional)

6 **Provider's Information**

Name: _____

Telephone number: _____

Address: _____

7 **Costs Will Be Paid As Follows:**

Mom to pay: _____ %

Dad to pay: _____ %

Other: _____

8 **Contact With Provider**

Mom to contact provider before (date): _____

Dad to contact provider before (date): _____

Other: _____

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

This is a Court Order.

This form is attached to Form DV-130, Restraining Order After Hearing (Order of Protection).

1 Protected person's name: _____

2 Restrained person's name: _____

3 **Property Control**

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

4 **Debt Payment**

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

Check here if you need more space. Attach Form MC-020 or a sheet of paper and write "DV-170, Item 4—Debt Payment" at the top.

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

5 **Property Restraint**

The people in 1 and 2 must not transfer, borrow against, sell, hide, or get rid of any property, including animals, except in the usual course of business or for the necessities of life. In addition, each person must notify the other of any new or big expenses and explain them to the court. (The person in 2 cannot contact the person in 1 if the court has made a "no contact" order.)

6 **Attorney Fees and Costs**

The person in 2 must pay the following lawyer fees and costs:

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

7 **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: _____

8 **Other Orders**

This is a Court Order.

Clerk stamps date here when form is filed.

DRAFT
Not approved by the
Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

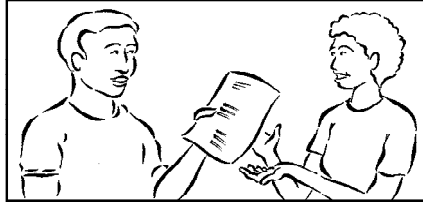
1 Name of Person Asking for Protection:

2 Name of Person to Be Restrained:

3 Notice to Server

The server must:

- Be 18 years of age or older.
- Not be listed in items **1** or **3** of form DV-100, *Request for Domestic Violence Restraining Order*.
- Give a copy of all documents checked in **4** to the restrained person in **2**. (You cannot send them by mail.) Then complete and sign this form, and give or mail it to the person in **1**.



4 I gave the person in **2** a copy of all the documents checked:

- a. DV-109 with DV-100 and a blank DV-120 (*Notice of Court Hearing; Request for Domestic Violence Restraining Order; blank Response to Request for Domestic Violence Restraining Order*)
- b. DV-110 (*Temporary Restraining Order*)
- c. DV-105 and DV-140 (*Request for Child Custody and Visitation Orders, Child Custody and Visitation Order*)
- d. FL-150 with a blank FL-150 (*Income and Expense Declaration*)
- e. FL-155 with a blank FL-155 (*Financial Statement (Simplified)*)
- f. DV-115 (*Request to Continue Hearing and Reissue Temporary Restraining Order*)
- g. DV-116 (*Notice of New Hearing Date and Order on Reissuance*)
- h. DV-130 (*Restraining Order After Hearing*)
- i. Other (*specify*): _____

5 I personally gave copies of the documents checked above to the person in **2** on:

a. Date: _____ b. Time: _____ a.m. p.m.

c. At this address: _____

City: _____ State: _____ Zip: _____

6 Server's Information

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

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

Date: _____

Type or print server's name

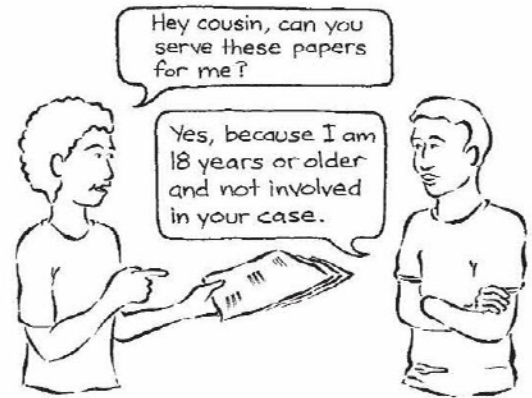
Server to sign here

What is “service”?

Service is the act of giving your legal papers to the other person. There are many kinds of service—in person, by mail, and others. This form is about personal or “in-person” service. The *Notice of Court Hearing* (Form DV-109), *Request for Domestic Violence Restraining Order* (Form DV-100) and *Temporary Restraining Order* (Form DV-110) must be served “in person.” That means someone—not you or anyone else protected by the order—must personally “serve” (give) the person to be restrained a copy of the forms. You cannot send them by mail.

Service lets the other person know:

- What orders you are asking for
- The hearing date
- How to respond



Why do I have to get the orders served?

- The *police cannot arrest* anyone for violating an order *unless* the restrained person knows about the order.
- The *judge cannot make the orders permanent* unless the restrained person was served.

Who can serve?

Ask someone you know, a process server, or a law enforcement agency (for example, a sheriff) to personally serve (give) a copy of the orders to the person to be restrained. You *cannot* send the forms to that person by mail.

The server must:

- Be 18 years of age or over
- Not be you or anyone to be protected by the orders

A sheriff can serve the order at no cost to you.

A “registered process server” is a business you pay to deliver court forms. Look for “Process Serving” in the Yellow Pages or on the Internet. (If a law enforcement agency or the process server uses a different Proof of Service form, make sure it lists the forms served.)



Don't serve it by mail!

How to Serve

Ask the server to:

- Walk up to the person to be served.
- Make sure it's the right person. Ask the person's name.
- Give the person copies of all papers checked on Form DV-200, *Proof of Personal Service*.
- Fill out and sign Form DV-200.
- Give the signed Form DV-200 to you.

What if the person won't take the papers or tears them up?

- If the person won't take the papers, just leave them near him or her.
- It doesn't matter if the person tears them up.



DV-200-INFO What Is “Proof of Personal Service”?

When do the orders have to be served?

It depends. To know the exact date, you have to look at two things on Form DV-109:

First, look at the hearing date on page 1 of Form DV-109. Next, look at the number of days written in item ⑤ on page 2.

③ **Notice of Court Hearing**
A court hearing is scheduled on the requested date and time.

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

⑤ **Service of Documents and Time for**
At least five or _____ days before the hearing (if the person is **protected**—must personally give (serve) a copy of the orders to the person in ② along with a copy of the following forms):

- Form DV-100, *Request for Domestic Violence Restraining Order*
- Form DV-110, *Temporary Restraining Order*
- Form DV-120, *Response to Request for Restraining Order* or Form DV-250, *Proof of Personal Service*

Look at a calendar. Subtract the number of days in item ⑤ from the hearing date. That’s the final date to have the orders served. It’s always OK to serve earlier than that date.

If nothing is written in item ⑤ you must have the papers served at least 5 days before the hearing.

Who signs the *Proof of Personal Service*?

Only the person who serves the orders can sign the *Proof of Personal Service* (Form DV-200). You do not sign it. The person to be restrained does not sign it.

What happens if I cannot get the papers served before the hearing date?

Before your hearing, fill out and file a *Request to Continue Hearing and Reissue Temporary Restraining Order* (Form DV-115) and *Notice of New Hearing Date and Order on Reissuance* (Form DV-116). These forms ask the judge for a new hearing date and make any temporary orders last until then. Ask the clerk for the forms or go to www.courts.ca.gov.

You **must** attach a copy of Form DV-115 and DV-116 to a copy of your original order. That way, the police will know your orders are still in effect. And the restrained person will be served with notice of the new hearing date. For more information on getting a new hearing date, read Form DV-115-INFO, *How to Ask for a New Hearing Date*.

What do I do with the completed *Proof of Personal Service*?

Bring a copy of the original *Proof of Personal Service* (Form DV-200) to your hearing.

If the sheriff serves the orders, he or she will send the *Proof of Personal Service* to the court and CLETS (California Law Enforcement Telecommunications System), a statewide computer system that lets police know about your order, for you.

If someone other than the sheriff serves the orders, you should:

- If possible, file the original *Proof of Personal Service* (Form DV-200) with the court at least 2 days before your hearing. If you were unable to do this, bring the original *Proof of Personal Service* to your hearing.
- The clerk will send it to CLETS.
- Always keep an extra copy of the restraining orders with you for your safety.

Clerk stamps date here when form is filed.

DRAFT
Not approved by the
Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

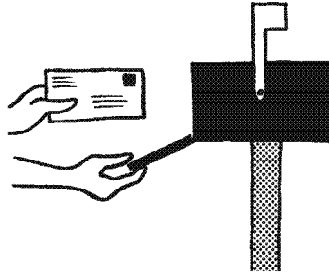
1 Name of Person Asking for Protection:

2 Name of Person to Be Restrained:

3 Notice to Server

The server must:

- Be 18 years of age or over.
- Not be listed in items 1 or 2 or 3 of form DV-100, Request for Domestic Violence Restraining Order.
- Mail a copy of all documents checked in 4 to the person in 5.



4 I (the server) am 18 years of age or over and live in or am employed in the county where the mailing took place. I mailed a copy of all documents checked below to the person in 5:

- a. DV-112, Waiver of Hearing on Denied Request for Temporary Restraining Order
- b. DV-120, Response to Request for Domestic Violence Restraining Order
- c. FL-150, Income and Expense Declaration
- d. FL-155, Simplified Financial Statement
- e. DV-130, Restraining Order After Hearing (Order of Protection)
- f. Other (specify): _____

Note: You cannot serve DV-100, DV-105, DV-109, or DV-110 by mail.

5 I placed copies of the documents checked above in a sealed envelope and mailed them as described below:

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

6 Server's Information

Name: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____
 (If you are a registered process server):
 County of registration: _____ Registration number: _____

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

Date: _____

Type or print server's name

Server to sign here

DV-500-INFO**Can a Domestic Violence Restraining Order Help Me?****What is a “domestic violence restraining order”?**

It is a court order that can help protect people who have been abused or threatened with abuse.

Can I get a domestic violence restraining order?

You can ask for one if:

- A person has abused you or threatened to abuse you *and*
- You have one of the following relationships with that person: married, divorced, separated, registered domestic partnership, have a child together, dating or used to date, live together or used to live together*;
- Or you are related within the second degree of affinity or consanguinity. This means: mother or mother-in-law, father or father-in-law, child or stepchild or legally adopted child, grandparent or grandparent-in-law, grandchild or grandchild-in-law, sister or sister-in-law, brother or brother-in-law, stepparent, daughter-in-law or son-in-law. The in-law must be through a current marriage. (See Family Code § 6211).

* You have to regularly reside in the household.

What is abuse?

Abuse means to intentionally or recklessly cause or attempt to cause bodily injury to you; or sexually assault you; or to place you or another person in reasonable fear of imminent serious bodily injury; or to molest, attack, hit, stalk, threaten, batter, harass, telephone, or contact you; or to disturb your peace; or destroy your personal property. Abuse can be spoken, written, or physical. (See Family Code §§ 6203, 6320).

How soon can I get the order?

The judge will decide within one business day whether or not to make any temporary orders. Sometimes the judge decides sooner. Ask the clerk if you should wait or come back later to get copies of the *Notice of Court Hearing* (Form DV-109) and *Temporary Restraining Order* (Form DV-110).

What if I don't have the relationship necessary to qualify for a domestic violence restraining order?

There are other kinds of orders you can ask for:

- Civil harassment order (can be used for neighbors, roommates, cousins, uncles, and aunts)
- Dependent adult or elder abuse restraining order
- Workplace violence order

Ask the court clerk for the forms you need for these special kinds of orders, or visit www.courts.ca.gov. You may also want to talk to a lawyer.

How will the restraining order help me?

The court can order the restrained person to:

- Not contact or go near you, your children, other relatives, or others who live with you
- Not have any guns or ammunition
- Move out of your house
- Obey child custody and visitation orders
- Pay child support
- Pay spousal support
- Obey orders about property

How do I ask for a domestic violence restraining order?

The forms are available at any California courthouse or county law library or at: www.courts.ca.gov/forms.

You may get assistance in completing and filing your request from the court's self-help center or a legal aid association.

After completing the forms, give them to the clerk of the court. The clerk will write a hearing date on the *Notice of Court Hearing* (Form DV-109). If your request for temporary orders is granted, the clerk will also give you a copy of the *Temporary Restraining Order* (DV-110) signed by a judicial officer.

See Form DV-505-INFO, *How Do I Ask for a Temporary Restraining Order?* to know which forms you need and for steps to follow after you complete the forms.



How long does the order last?

If the judge makes a temporary order, it will last until the hearing date. At that time, the judge will decide to continue or cancel the order. The restraining order can last up to 5 years. Child custody, visitation, child support, and spousal support orders can last longer than 5 years and they do not end when the restraining order ends.

How much does it cost?

Nothing.

How will the person to be restrained know about the order?

Someone who is at least 18—**not you** or anyone else to be protected by the order—must “serve” (give) the person to be restrained a copy of the order in person. The sheriff or marshal will do it for free, but you have to ask. For help with service, ask the court clerk for form DV-200-INFO, *What Is “Proof of Personal Service”?* or visit www.courts.ca.gov.

What if the restrained person doesn't obey the order?

Call the police. The restrained person can be arrested and charged with a crime.

Do I have to go to court?

Yes. Go to court on the date the clerk gives you. If you do not, your order will end.

Do I need a lawyer?

Having a lawyer is always a good idea, especially if you have children, but it is not required. You are not entitled to a free court-appointed lawyer. Ask the court clerk about free and low cost legal services and domestic violence help centers in your county. You can also go to the Family Law Facilitator for help with child support.

Do I need to bring a witness to the court hearing?

No. But it helps to have proof of the abuse. You can bring:

- A written statement from a witness, made under oath
- Witnesses
- Photos
- Medical or police reports
- Damaged property
- Threatening letters, e-mails, or telephone messages

The judge may or may not let a witness speak at the hearing.

So if possible, you should bring their written statement under oath to the hearing. (*You can use Form MC-030, Declaration, for this purpose.*)

Will I see the restrained person at the court hearing?

If the restrained person comes to the hearing, yes. But that person does not have the right to speak to you. If you are afraid, tell the court officer. Read *Get Ready for the Court Hearing* (Form DV-520-INFO).

Can I bring someone with me to court?

Yes. You can bring someone to sit with you during the court hearing. But that person cannot speak for you in court. Only you or your lawyer (if you have one) can speak for you.

What if I don't speak English?

When you file your papers, ask the clerk if a court interpreter is available. If the interpreter is not available for your court date, bring someone to interpret for you. Do not ask a child, or anyone to be protected by the order, to interpret for you.

What if I don't have a green card?

You can get a restraining order even if you are not a U.S. citizen. If you are worried about deportation, talk to an immigration lawyer.



What if I am deaf or hard of hearing?

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk's office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Response* (Form MC-410). (Civil Code, § 54.8.)

Need more information?

Ask the court clerk about free or low-cost legal help. For a referral to a local domestic violence or legal assistance program, call the National Domestic Violence Hotline:

1-800-799-7233

TDD: 1-800-787-3224

It's free and private.

They can help you in more than 100 languages.

Can the restrained person and I agree to cancel the order?

No. After the order is issued, only the judge can change or cancel it.

Can I use the restraining order to get divorced or terminate a registered domestic partnership?

No. These forms will not end your marriage or registered domestic partnership. You must file other forms to end your marriage or registered domestic partnership.

Can the order stop the other parent from taking our children away?

If you get a temporary restraining order that includes an order for custody, the parent with custody may not remove the child from California before notice to the other parent and a court hearing on the request to establish or modify custody. Read the order and Form DV-140, *Child Custody and Visitation Order*, if issued, for any other limits. There are some exceptions. Ask a lawyer.

What if I want to leave the county or state?

The restraining order is valid anywhere in the United States. If you move out of California, contact the local police so they will know about your orders.

1 Use this form as a checklist.

(Look at the numbers at the top of your forms.)

a. For a restraining order you need:

- DV-100 *Request for Domestic Violence Restraining Order*
- CLETS-001 (*Confidential CLETS Information*)
- DV-109 *Notice of Court Hearing*
- DV-110 *Temporary Restraining Order*

b. If you have children with the person you want protection from, you also need:

- DV-105 *Request for Child Custody and Visitation Orders*
- DV-140 *Child Custody and Visitation Order*

c. If you want child support or spousal support, you also need:

- FL-150* *Income and Expense Declaration* or
- FL-155* *Financial Statement (Simplified)*

* Read *Which Financial Form—FL-155 or FL-150?* (Form DV-570) to know which one is right for you.**d. Ask the clerk if your county has special forms or rules.****e. There are other forms you will need later (*do not fill them out now*):**

- DV-120 *Response to Request for Domestic Violence Restraining Order*
- DV-130 *Restraining Order After Hearing (Order of Protection)*
- DV-200 *Proof of Personal Service*

DV-109 Notice of Court Hearing**1 Name of Person Asking for Order**Your lawyer in this case (*if you have one*)

2 Fill out the forms you need and take them to the court clerk. The clerk will give your forms to the judge. The judge will look at them and decide whether to make (“grant”) the temporary orders. Sometimes the judge will want to talk to you. If so, the clerk will tell you.

3 Find out if the judge made the temporary restraining orders. Ask the clerk when to come back to see if the judge signed the order (Form DV-110). The judge must decide by the next business day. If the judge grants a temporary restraining order, check it carefully to see what the orders are. The judge might not order everything you requested. The court will set a hearing date on Form DV-109 whether or not the judge grants any temporary orders.

4 “File” the judge’s order. The clerk will keep the original forms for the court and will file-stamp up to three copies for you. If you need more, you may make them yourself.

What to do with your copies:

- Keep one copy with you, always. You may need to show it to the police.
- Keep another copy in a safe place.
- Give a copy to anyone else protected by the order.
- Take copies to places where the restrained person is ordered not to go (school, work, child care, etc.)
- Give a copy to the security officers in your apartment building and workplace.

Restraining orders get entered into CLETS, a statewide computer system that lets police know about your order. The court will send the order to law enforcement or CLETS for you.

5 Know your hearing date: Form DV-109

Look at Form DV-109 for the date and time of your hearing.

You **must** go to your hearing to get a permanent order.

The order you have now only lasts for about three weeks. Any orders made on Form DV-110 (*Temporary Restraining Order*) will end on the hearing date.

You have the right to cancel the hearing. Read page 2 of Form DV-109 for information.



6 “Serve” the restrained person.

Ask someone you know, a process server, or law enforcement to personally “serve” (give) the restrained person a copy of the notice of hearing, the order, and other papers. You **cannot** serve the papers yourself. They **cannot** be sent by mail. The server must:

- Be 18 years of age or older
- Not be listed in item ① or ③ of Form DV-100, *Request for Domestic Violence Restraining Order*.

Law enforcement will serve the orders for **free**, but you have to ask.

A “process server” is a business you pay to deliver court forms. Look in the Yellow Pages under “Process Serving.”

If law enforcement or the process server uses a different Proof of Service form, make sure the form lists all the forms served.

7 File the Proof of Personal Service (Form DV-200).

The *Proof of Personal Service* shows the judge and police that the restrained person got a copy of the request for orders. Make three copies of the completed *Proof of Personal Service*. Take the original and copies to the court clerk as soon as possible **before your hearing**. The clerk will keep the original and give you back the copies stamped “Filed.” Bring a copy to your hearing.

Keep one copy with you and another in a safe place in case you need to show it to the police. Give the other copies out as you did in ④. The court will send your completed *Proof of Personal Service* to law enforcement or CLETS for you. CLETS is a statewide computer system that lets police know about your order.

- If the sheriff serves your order, he or she will send the *Proof of Personal Service* to the court and to CLETS for you.



Don't serve by mail!

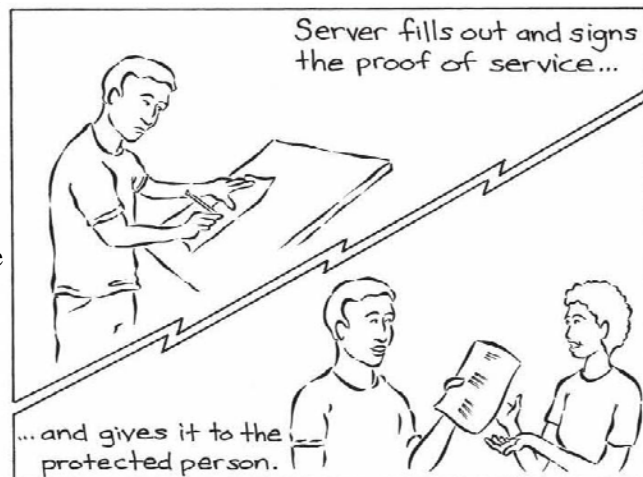


8 If the restrained person wasn't served . . .

The restrained person **must** be served before the hearing. If the restrained person wasn't served, fill out Form DV-115 (*Request to Continue Hearing and Reissue Temporary Restraining Order*) and the top of Form DV-116 (*Notice of New Hearing Date and Order on Reissuance*) to ask the judge for a new hearing date. Do this **before** or **at** your hearing. (If you wait until after the hearing, you have to start from the beginning and complete all of the forms again.)

If the judge signs Form DV-116, any restraining orders will last until the new hearing date.

- File the signed order (Form DV-116) with the clerk. The clerk will send it to law enforcement or CLETS for you.
- Attach Form DV-115 and Form DV-116 to your other court papers and have the restrained person personally served.
- After serving the orders, the server fills out and signs Form DV-200, *Proof of Personal Service*, and gives it to you.
- File the original Form DV-200, *Proof of Personal Service*, and bring a copy to your hearing.
- Bring a copy of Form DV-115 and Form DV-116 to your hearing.

**9 Need help?**

The clerk has information sheets that can help you. Or you can get them at: www.courts.ca.gov/forms

- *Can a Domestic Violence Restraining Order Help Me?* (DV-500-INFO)
- *What Is "Proof of Personal Service"?* (DV-200-INFO)
- *Get Ready for the Court Hearing* (DV-520-INFO)
- *How to Enforce Your Restraining Order* (DV-530-INFO)
- *How Can I Respond to a Request for Domestic Violence Restraining Order?* (DV-120-INFO)
- *How Do I Ask the Court to Renew My Restraining Order?* (DV-700-INFO)
- *Which Financial Form—FL-155 or FL-150?* (DV-570)

10 Need more help?

Ask the court clerk about free or low-cost legal help. For a referral to a local domestic violence or legal assistance program, call the National Domestic Violence Hotline:

1-800-799-7233

TDD: 1-800-787-3224

It's free and private.

They can help you in more than 100 languages.

DV-510-INFO I Filled Out the Forms—What Now?

- 1 **Take your forms to the court clerk.** The clerk will give your forms to the judge. The judge will look at them and decide whether to make (“grant”) the temporary orders. Sometimes the judge will want to talk to you. If so, the clerk will tell you.
- 2 **Find out if the judge made the temporary restraining orders.** Ask the clerk when to come back to see if the judge signed the order (Form DV-110). The judge must decide by the next business day. If the judge grants a temporary restraining order, check it carefully to see what the orders are. The judge might not order everything you requested.
- 3 **“File” the judge’s order.** If the judge signs the order, the clerk will “file” it. The clerk will keep the original for the court and will file-stamp up to five copies for you. If you need more, make them yourself.

What to do with your copies:

- Keep one copy with you, always. You may need to show it to the police.
- Keep another copy in a safe place.
- Give a copy to anyone else protected by the order.
- Take copies to places where the restrained person is ordered not to go (school, work, child care, etc.)
- Give a copy to the security officers in your apartment building and workplace.

Restraining orders get entered into CLETS, a statewide computer system that lets police know about your order. The court will send the order to law enforcement or CLETS for you.

- 4 **Know your hearing date.** Look at Form DV-109 for the date and time of your hearing.

You **must** go to your hearing to get a permanent order.

Any orders you have now only last for about three weeks. The orders end on the hearing date.

REMOVED

DV-109 Notice of Court Hearing

1 Name of person asking for protection: _____
 Address (skip this if the person above has a lawyer) (If you want your home address to be private, give a mailing address instead): _____
 City: _____ State: _____ Zip: _____
 Telephone (optional): _____
 Your lawyer (if you have one): _____ State: _____ Zip: _____
 Firm name: _____ Fax (optional): _____
 Street address: _____ State Bar no.: _____
 City: _____
 Telephone: _____
 E-mail: _____

2 Name of person to be restrained: _____
 State: _____ Zip: _____
 Fax: _____

3 **Notice of Court Hearing**
 A court hearing is scheduled on the request for orders against you to stop domestic violence.
 The court will fill out the rest of this form.
 To the Person in ②

Hearing Date: _____ Date: _____ Time: _____ Name and address of court if different from above: _____
 Dept.: _____ Room: _____

4 **Temporary Restraining Orders** (any orders granted are attached on Form DV-110)
 DV-109, Request for Order, are:
 (1) All granted until the court hearing
 (2) All denied until the court hearing
 (3) Partly granted and partly denied until the court hearing (specify reasons for denial in (b))
 b. Requested temporary restraining orders for personal conduct, stay away, and protection of animals, as requested in Form _____ because:
 (1) The facts as stated in form DV-100 do not show reasonable proof of a past act or acts of abuse. (Family Code, §§ 6320 and 6320.5)

This is a Court Order.
 Notice of Court Hearing
 (Domestic Violence)

DV-109, Page 1 of 3

5 “Serve” the restrained person.

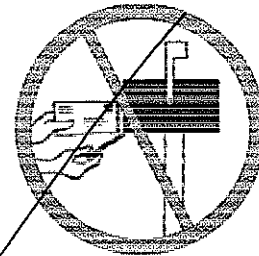
Ask someone you know, a process server, or law enforcement to personally “serve” (give) the restrained person a copy of the orders and other papers. You **cannot** serve the papers yourself. They **cannot** be sent by mail. The server must:

- Be 18 or over
- Not be protected by the orders

Law enforcement will serve the orders for **free**, but you have to ask.*

A “process server” is a business you pay to deliver court forms. Look in the Yellow Pages under “Process Serving.”*

*If law enforcement or the process server uses a different *Proof of Service* form, make sure the form lists all the forms served.



Don't serve by mail

6 File the Proof of Service (Form DV-200).

The Proof of Service shows the judge and police that the restrained person got a copy of the orders. Make five copies of the completed Proof of Service. Take the original and copies to the court clerk as soon as possible **before your hearing**. The clerk will keep the original and give you back the copies stamped “Filed.” Bring a copy to your hearing.

Keep one copy with you and another in a safe place in case you need to show it to the police. Give the other copies out as you did in 3. The court will send your completed Proof of Service to law enforcement or CLETS for you. CLETS is a statewide computer system that lets police know about your order.

- If the sheriff serves your order, he or she will send the Proof of Service to the court and to CLETS for you.

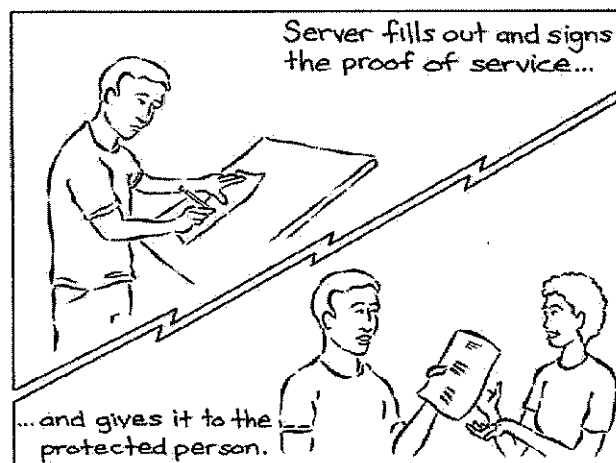
7 If the restrained person wasn't served . . .

The restrained person **must** be served before the hearing. If the restrained person wasn't served, fill out Form DV-125 (*Reissue Notice of Court Hearing and Temporary Restraining Order*) to ask the judge for a new hearing date. Do this **before or at** your hearing. (If you wait until after the hearing, you have to start from the beginning.)

If the judge signs Form DV-125, any restraining orders will last until the new hearing date.

- File the signed order (Form DV-125) with the clerk. The clerk will send it to law enforcement or CLETS for you.
- Attach it to your other court papers and have the restrained person personally served.
- If you didn't file the original *Proof of Service*, bring it to your hearing.
- Bring a copy of Form DV-125 to your hearing.

After serving the orders, the server fills out and signs the *Proof of Service* and gives it to you.



Be prepared.

- Bring 2 copies of all documents and filed forms, including the *Proof of Service*.
- Bring documents that support your case (police or medical reports, rental agreements or receipts, photos, bills, etc.).
- Either person can bring a “support” person to the court hearing to feel safer. The support person must not talk for either person in court.
- You can bring documents or witnesses to help support your case. Provide the other party with a copy of all documents or witness statements. Your witnesses can write their statements about what they saw or heard, signed under penalty of perjury. They can use form MC-030, *Declaration*, or a sheet of paper titled “Declaration.”
- If you are the person to be restrained, complete, file, and serve Form DV-120, *Response to Request for Domestic Violence Restraining Order*, if you haven’t already. Bring 3 copies of DV-120 to the hearing.
- Most courtrooms do not allow children. Before the date of the hearing, ask if there is a children’s waiting room in the courthouse if you do not have childcare available.
- Practice what you want to say to the judge. Make of list of the orders you want or the orders you disagree with. If you get nervous at the hearing, just read from your list.

Don't miss the hearing.

- If you are the person asking for protection and you miss the hearing, the restraining orders will end and you will have to complete the paperwork all over again.
- If you are the person to be restrained and you miss the hearing, the judge can still make the orders.

Get there 30 minutes early.

- Find the courtroom.
- When the courtroom opens, go in and tell the court clerk or officer that you are present.
- Do not sit near or talk to the other person.
- If you are afraid of the other person, tell the officer.
- Watch the other cases so you will know what to do.
- When your name is called, go to the front of the courtroom.
- Your hearing may last just a few minutes or up to an hour or more. However, you may be at court several hours, depending on the number of other cases.

What if you don’t speak English?

When you file your papers, tell the clerk you will need an interpreter. If a court interpreter is not available, bring someone to interpret for you. Do not ask a child, a protected person, or a witness to interpret for you.

The judge may ask questions.

- Tell the truth. Speak slowly. You can read from your list.
- Give complete answers.
- If you don’t understand, say “I don’t understand the question.”
- Speak only to the judge, unless it is your turn to ask questions.
- When people are talking, wait for them to finish. Then you can ask them questions about what they said.
- Do not interrupt other than for legal objections.
- If the other person tells a lie, wait until he or she finishes talking, then tell the judge.
- Do not sit near or talk to the other person.
- The person to be protected and the person to be restrained or their lawyers may ask questions.



The judge will decide.

- At the hearing, the judge will consider whether denial of any orders will risk the safety of the person asking for protection or the safety of children for whom custody, visitation, or child support orders are requested. Safety concerns about the financial needs of the person asking for protection will also be considered.
- At the end of the hearing, the judge will say what the orders are. The orders will be put on Form DV-130 (*Restraining Order After Hearing*).

If the judge makes orders at the hearing—Form DV-130**For person to be protected:**

- Sometimes the court clerk will fill out Form DV-130. If not, ask who should fill it out.
- If the court clerk fills out Form DV-130, the clerk will bring the form to the judge.
- If you fill out Form DV-130, bring it to the court clerk when you finish.
- Ask the clerk for the local process to get Form DV-130 filed. After the form is filed, the court clerk will give you up to three copies.
- Read the signed Form DV-130 carefully. If anything is different from what the judge ordered, tell the court clerk right away or talk to your lawyer if you have one for the case.

For person to be restrained:

- If the judge makes orders at the hearing you must obey them. If you do not, you could be arrested.
- Any orders will be written on Form DV-130. When you receive the signed and filed Form DV-130, read it carefully. If anything is different from what the judge ordered, tell the court clerk right away or talk to your lawyer if you have one for the case.

The judge may “continue” your case.

This means you have to come back another day. The judge can do this if:

- The person to be restrained needs time to get a lawyer or prepare an answer
- The judge wants more information
- Your hearing is taking longer than planned

The person to be protected may ask the judge to extend the temporary orders until the new hearing date.

The court may use *Notice of New Hearing Date and Order on Reissuance* (Form DV-116) for the new hearing.

What about child custody or visitation?

- If you need child custody or visitation orders, the judge will send you to Family Court Services which helps parents agree on a plan for custody and visitation that is best for the children.
- Either parent can ask to meet with Family Court Services separately. The protected person may bring a support person to the meeting. A support person can provide emotional support but cannot speak for the protected person.
- If you are sent to Family Court Services, the judge may make the restraining, custody, and visitation orders last until the next hearing or until another court order.



What happens after the hearing?

For person to be protected:

- The court clerk will send Form DV-130 to law enforcement or CLETS for you. CLETS is a statewide computer system that lets police know about the order.
- If the restrained person was at the hearing, you may have him or her served with a copy of Form DV-130 by mail.
- If the restrained person was not at the hearing, but the judge's orders are the *same* as the temporary order, you may have him or her served with a copy of Form DV-130 by mail.
- If the restrained person was not at the hearing, and the judge's orders are *different* from the temporary order, you must have someone serve Form DV-130 in person, not by mail. Ask the server to complete Form DV-200, *Proof of Personal Service*, and give it back to you.
- Keep a copy of the orders with you at all times.

For person to be restrained:

- You will be served with the *Restraining Order After Hearing* (Form DV-130) within a few days, by mail or in person.
- If you do not receive a copy of the orders within a few days after the hearing, ask the clerk for a copy.
- Keep a copy of the orders with you at all times.

Which forms will I receive after the hearing?

Use this checklist to see if you have the right forms for the case:

- Form DV-130 (*Restraining Order After Hearing*) if the judge made orders at the hearing.
- Form DV-140 (*Child Custody and Visitation Order*) if the judge ordered child custody or visitation. Sometimes lawyers use different forms.
- Form FL-342 (*Child Support Information and Order Attachment*) or Form FL-343 (*Spousal, Partner, or Family Support Order Attachment*) if the judge orders child support and/or spousal support.

Need more help?

Ask the court clerk about free or low-cost legal help.

For a referral to a local domestic violence or legal assistance program, call the National Domestic Violence Hotline:

1-800-799-7233

TDD: 1-800-787-3224

It's free and private.

They can help you in more than 100 languages.

What if you are deaf or hard of hearing?



Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk's office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Order* (Form MC-410). (Civil Code, § 54.8.)

DV-530-INFO How to Enforce Your Restraining Order

Get copies.

Get copies of your restraining order (DV-110 or DV-130) and *Proof of Service* (Form DV-200 or DV-250) from the court clerk if you don't already have them:

- Always keep a copy with you. You may need to show it to the police.
- Keep another copy in a safe place and consider keeping a copy in your car.
- Give a copy to anyone else protected by the order.
- Take copies to places where you and the other protected people go (e.g. school, work, daycare, etc.).
- Give a copy to the security officers in your apartment building and workplace.
- Staple the restraining order (DV-110 or DV-130) to the *Proof of Service* (DV-200 or DV-250).

When should I call the police?

Call the police **right away** if the restrained person violates any of the orders. Also:

- Write down what happened, when, where, and the names of any witnesses.
- Get copies of police reports.
- If you are hurt, get copies of medical reports.

Even if you haven't served the orders yet, call the police.

Show the police a copy of your orders. If the restrained person is there, ask the officer to serve the orders. If the officer serves the orders, he or she will send the *Proof of Service* to the court and CLETS for you.

CLETS is a statewide computer system that lets police know about your orders.



If you're in danger, call 911!

What can the police do?

It is a crime to disobey the judge's orders.

The restrained person can be arrested, pay a fine, and/or go to jail or prison.

Ask your local district attorney (D.A.) how he or she will handle your case. The D.A. may file criminal or contempt charges. You can always call the D.A. for information about a criminal case.

You can also file a civil contempt action. Ask the court clerk for forms or visit www.courts.ca.gov.



Guns, Other Firearms and Ammunition

The restrained person cannot

- own
- have
- buy or try to buy

a gun or firearm or ammunition while the order is in effect. If the person does any of these things, he or she can go to jail and be ordered to pay a fine of \$1,000.

A law enforcement officer can give you information about any firearms the restrained person has registered, transferred, or sold. (Penal Code section 11106). You may disclose the information as needed to protect yourself or someone else. Tell law enforcement if you have any information about any guns the restrained person has or where they are located.

What does a restraining order do?

It can order you to:

- Not contact or go near the protected person
- Not have a gun while the order is in effect
- Move out of the house
- Follow child custody and visitation orders
- Pay child support and
- Pay spousal support

Read the order carefully. If you disobey the order, you can be sent to jail, fined, or both.

What if I have a gun?

You cannot own, possess, or have a gun or firearm while the order is in effect. If you have a gun now, you must sell it to a licensed gun dealer or turn it in to police. Read Form DV-810.

Should I go to the hearing?

Yes. Go to court on the hearing date listed on page one of Form DV-109. If you do not go to court, the judge can make the orders without hearing from you.

How do I tell my side of the story?

File Form DV-120, *Answer to Temporary Restraining Order*, before the hearing date. Also, have someone mail it to the person who asked for the order or to the person's lawyer. This is "service." The person who mails it must fill out and sign a *Proof of Service by Mail* (Form DV-250). File the *Proof of Service* with the court clerk. Keep a copy. Bring copies of all documents to the hearing.

What if I have a witness?

You may file a witness statement (also known as a declaration), signed under penalty of perjury, by anyone who has personal knowledge of the facts. You must file and mail witness statements or other documents that support your case at least two days before the hearing or when you mail your *Answer* (Form DV-120) to the protected person. A witness must go to the hearing for the judge to consider the witness statement.

Do I have to get a lawyer?

No. But it is a good idea, especially if you have children. Ask the clerk how to find free or low-cost legal services or go to www.courtinfo.ca.gov/selfhelp/lowcost.

REVOKE

DV-109 Notice of Court Hearing

1 Name of person asking for protection:
 Address (skip this if the person above has a lawyer) (if you want your home address to be private, give a mailing address instead):
 City: _____
 Telephone (optional): _____ State: _____ Zip: _____
 Your lawyer (if you have one): Name: _____ Fax (optional): _____
 Firm name: _____ State Bar no.: _____
 Street address: _____ City: _____
 Telephone: _____ State: _____ Zip: _____
 E-mail: _____

2 Name of person to be restrained:
 Name: _____ State: _____ Zip: _____
 Address: _____

3 Notice of Court Hearing
 A court hearing is scheduled on the request for orders against you to stop domestic violence.
 Hearing Date: _____ Dept.: _____ Time: _____ Name and address of court if different from above:
 Room: _____

4 Temporary Restraining Orders (Any orders granted are attached on Form DV-110)
 DV-100, Request for Orders, are:
 (1) All granted until the court hearing
 (2) All granted until the court hearing (specify reasons for denial in (b))
 (3) Partly granted and partly denied until the court hearing (specify reasons for denial in (b))
 because:
 (1) The facts as stated in form DV-100 do not show reasonable proof of a past act or act of abuse. (Family Code, §§ 6320 and 6320.5)

This is a Court Order.
Notice of Court Hearing
 (Domestic Violence)

JUDICIAL COUNCIL OF CALIFORNIA, www.courtinfo.ca.gov
 New January 1, 2010, Mandatory Form
 Family Code, §§ 6320, 6320.5

DV-109, Page 1 of 3

What if I also have criminal charges against me?

See a lawyer. Anything you say or write can be used against you in your criminal case.

What if I am a victim of domestic violence?

Call the National Domestic Violence Hotline:

1-800-799-7233

TDD: 1-800-787-3224

Ask who can help you file a restraining order request.

Will I see the protected person at the court hearing?

If the protected person comes to the hearing, you will see him or her. Do not talk to the protected person unless the judge says you can.

How long does the order last?

The first (temporary) order lasts until the expiration date. At that time, the judge will decide whether to grant or deny a longer-term order. That order can last for up to five years. Spousal support orders can last longer than five years. Custody, visitation, and child support orders can last until the child turns 18.

What if the protected person contacts me?

No matter what, you have to follow the court order. The order does not affect the protected person. It only affects what you can do.

Can the protected person and I make an agreement to cancel the order?

No. Only the judge can change or cancel the order.

What happens if I don't obey the court order?

The police can arrest you. You can go to jail, pay a fine, or both.

What if I don't have a green card?

The order is valid whether you have a green card or not. If you are worried about being deported, talk to an immigration lawyer.

What if I don't speak English?

Ask someone who speaks English to call the court clerk before your hearing and ask for a court interpreter. If an interpreter is not available, bring someone to interpret for you. Do not ask a child, a witness, or a protected person to interpret for you.

What if I am deaf or hard of hearing?**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 proceeding. Contact the clerk's office or go to www.courtinfo.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Response* (Form MC-410). (Civil Code, § 54.8.)

Be prepared.

- Bring documents that support your case (police or medical reports, rental agreements or receipts, pictures, bills, etc.).
- You can bring a witness to help support your case. Witnesses may or may not be permitted to testify. But you can bring a written statement of what the witness saw or heard. (You must file and serve witness statements by mail or in person, along with your *Answer* (Form DV-120). Bring filed copies of your *Answer* and *Proof of Service* [Form DV-250] to your hearing.)
- Most courtrooms do not allow children. Ask the court clerk if there is a children's waiting room in the courthouse.
- **Don't miss the hearing! If you miss it, the judge can make the orders without hearing from you.**

Get there 30 minutes early.

- Find the courtroom.
- When the courtroom opens, go in and tell the clerk or officer that you are present.
- If the person who asked for the order is present, do not sit near or talk to him or her.
- Watch the other cases so you will know what to do.
- When your name is called, go to the front of the courtroom.
- Your hearing may last just a few minutes or up to an hour or more. However, you may be at court several hours, depending on the number of other cases.

What if I don't speak English?

Ask someone who speaks English to call the court clerk before your hearing and ask for a court interpreter. If the interpreter is not available, bring someone to interpret for you. Do not ask a child, a witness, or a protected person to interpret for you.

What if I am deaf or hard of hearing?



Requests 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 proceeding. Contact the clerk's office or go to www.courtinfo.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Order* (Form MC-410). (Civil Code, § 54.8.)

Practice telling what you disagree with.

Make a list of the orders you disagree with. Practice saying why you disagree. Do not take more than 3 minutes to say which orders you disagree with.

If you get nervous at the hearing, just read from your list. Use your list to make sure you have told the judge about each order you disagree with.



The judge may ask questions.

- Tell the truth. Speak slowly. You can read from your list.
- The other person or a lawyer may also ask you questions.
- Give complete answers.
- If you don't understand, say "I don't understand the question."
- If the other person lies in court, wait until he or she finishes talking. Then tell the judge.
- Speak only to the judge. Do not talk to the other person unless it is your turn to ask questions.
- When people are talking to the judge, wait for them to finish. Then you can ask them questions about what they said.
- Do not sit near or talk to the other person.

The judge will decide.

- At the end of the hearing, the judge will say what the orders are.
- You will be served with the *Restraining Order After Hearing* (Form DV-130) within a few days, by mail or in person.
- If anything on the Form DV-130 is different from what the judge ordered, talk to a lawyer right away. Or ask the court clerk how to find free or low-cost legal services.

The judge may "continue" your case.

This means you have to come back another day. The judge can do this if:

- You need more time to get a lawyer or prepare an answer
- The judge wants more information
- Your hearing is taking longer than planned

If your case is continued . . .

- The judge may make the orders last until the new hearing date.
- Bring all your papers back to court at the next hearing.

What about child custody or visitation?

- If you need child custody or visitation orders, the judge will send you to mediation. Mediation helps parents agree on a plan for custody and visitation that is best for the children.
- If you are sent to mediation, the judge may make your temporary custody and visitation orders last until the next hearing or until another court order.
- Either parent can ask to meet with the mediator separately.

What happens after the hearing?

- If the judge makes the orders, you must obey them. If you don't, you can be arrested.
- If you do not receive a copy of the orders, ask the clerk for a copy, or talk to a lawyer.

Look at the numbers at the top of your forms.

You can use this form as a checklist.

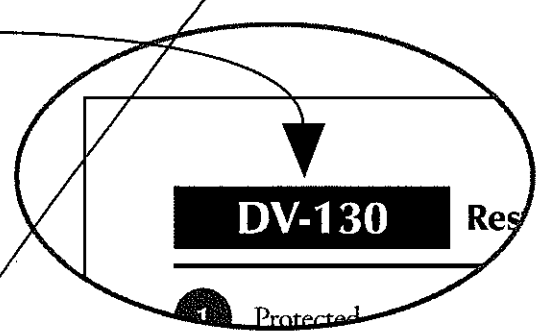
- 1 To get a **permanent restraining order**, fill out:
 - DV-130 Restraining Order After Hearing
- 2 If the judge ordered **child custody or visitation**, also fill out:
 - DV-140 Child Custody and Visitation Order
- 3 If the judge ordered **child support**, also fill out:
 - DV-160 Child Support Order
 - FL-191 Child Support Case Registry Form
- 4 If the judge ordered **payment of debts, payment for costs and services, attorney fees, or property control**, also fill out:
 - DV-170 Other Orders
- 5 Make sure you have every form that you have checked above. Look at the top of each form to make sure the numbers are exactly the same. Complete each form you need.

You can get these forms from your court clerk or from:

www.courtinfo.ca.gov/forms

- 6 **Need help?**
 Ask the court clerk about free or low-cost legal help.
 Or call the National Domestic Violence Hotline:
1-800-799-7233
TDD: 1-800-787-3224
 It's free and private.
 They can help you in more than 100 languages.

For help in your area, contact:



REVOKE

Clerk stamps date here when form is filed.

**DRAFT
Not Approved by the
Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Name of Protected Person:

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

Name: _____ State Bar No.: _____

Firm Name: _____

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

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

2 Name of Restrained Person:

Description of restrained person:

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

Race: _____ Age: _____ Date of Birth: _____

Mailing Address (if known): _____

City: _____ State: _____ Zip: _____

Relationship to protected person: _____

3 I am protected by the attached protective/restraining order. The order was made by (name and address of court):

4 The attached order:

- Is a true and correct copy
- Is currently valid and in full force and effect
- Has not been changed, canceled, or replaced by any other order
- Was made in a different state, U.S. territory, Indian tribal court, the District of Columbia, Puerto Rico, US Virgin Islands, or in a military court
- Expires on (date): _____

5 I ask that the attached order be registered with this court for entry into the California Law Enforcement and Telecommunication System (CLETS). My request is voluntary. I understand that registration of the order is not necessary for enforcement.

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

Date: _____

Type or print your name



Sign your name

This is a Court Order.



Case Number: _____

The attached out-of-state restraining order is registered, valid, and enforceable in California, and can be entered into CLETS, unless it ends or is changed by the court that made it.

Date: _____

Judge (or Judicial Officer)

Court Clerk Must Seal This Form and Attached Foreign Protection Order

This form sets forth the procedure to register a foreign protection order under Family Code section 6404. No court hearing is required to register the foreign protection order. This form and the attached foreign protection order must be sealed pursuant to Family Code section 6404(a). Access to the foreign protection order is allowed only to law enforcement, the person who registered the order upon written request with proof of identification, the defense after arraignment on criminal charges involving an alleged violation of the order, or upon further order of the court.

(Clerk will fill out this part.)

—Clerk’s Certificate—

Clerk’s Certificate
[seal]

I certify that this *Notice of Court Hearing* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

Clerk stamps below when form is filed.

Not Approved by the Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Name of Protected Person:

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

Name: State Bar No.:

Firm Name:

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

Address:

City: State: Zip:

Telephone: Fax:

E-Mail Address:

2 Name of Restrained Person:

Describe that person: Sex: M F Ht.: Wt.: Race: Hair Color: Eye Color: Age: Date of Birth:

3 I ask the court to renew the Restraining Order After Hearing (Form DV-130). A copy of the order is attached.

- a. The order ends on (date):
b. The order has been renewed times.
c. I want the order to be renewed for (check one):
5 years permanently

4 I ask the court to renew the order because: (Check all that apply. Explain why you are afraid of abuse in the future):

- a. The person in 2 has violated the order (explain what happened and when):
b. I am afraid that the person in 2 will abuse me in the future because:
c. Other (explain):
Check here if you need more space. Attach a sheet of paper and write "Form DV-700, Other" for a title.

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.

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

- 1 **What does “renew” mean?**
 - It is the way the judge can make your current restraining order last longer than the current expiration (end) date.
 - If the judge “renews” your *Restraining Order After Hearing* (Form DV-130), it will have a new expiration (end) date.
- 2 **When do I ask for the renewal?**

Anytime within the three months before the date your current order ends (see Form DV-130).
- 3 **How long can the new order last?**

The order can last for five years or permanently.
- 4 **What will the judge want to know?**

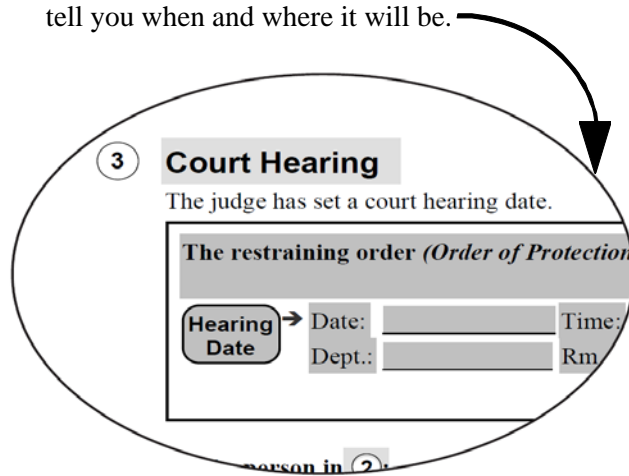
The judge may renew a restraining order without a showing of any abuse since the original order. However, you must show a reasonable fear of abuse in the future.
- 5 **How much does it cost?**

Nothing.
- 6 **Do I have to go to court?**

Yes. Go to court on the date the clerk gives you. If you do not, your restraining order will end.
- 7 **What are the steps?**
 - Fill out:
 - Form DV-700 (*Request to Renew Restraining Order*)
 - Form DV-710 (*Notice of Hearing to Renew Restraining Order*)
 - Attach a copy of your current *Restraining Order After Hearing* (Form DV-130) to Form DV-700.
 - Make at least 3 copies of all forms.
 - Take the forms to the court clerk.
 - The clerk will give your forms to the judge for signature. Sometimes the judge may want to talk to you. If so, the clerk will tell you. If the judge signs Form DV-710, the court will send it to law enforcement or CLETS for you. CLETS is a statewide computer system that lets law enforcement know about your order.

- 8 **The clerk or judge will set a hearing date.**

You must go to the hearing. Form DV-710 will tell you when and where it will be.



- 9 **Have someone age 18 or older personally serve the restrained person with a copy of these forms:**
 - DV-700 (*Request to Renew Restraining Order*)
 - DV-710 (*Notice of Hearing to Renew Restraining Order*)
 - Your current DV-130 (*Restraining Order After Hearing*)
 - DV-720 (*Response to Request to Renew Restraining Order*)—leave it blank for the restrained person to answer.

For information on “service,” read Form DV-200-INFO (*What Is “Proof of Personal Service”?*). Someone 18 or older—not you or anyone protected by the restraining order—can serve the order. The person who serves the forms must complete the *Proof of Personal Service* (Form DV-200).

This is not a Court Order.



- 10 File the *Proof of Personal Service*.**
- The *Proof of Personal Service* (Form DV-200) shows the judge that the restrained person knows about the hearing date.
 - Make 3 copies of the original *Proof of Personal Service*.
 - Take the original and the copies to the court clerk at least 2 days before your hearing. The clerk will file the original and give you back the copies stamped “Filed.”
 - The clerk will send the *Proof of Personal Service* to law enforcement or CLETS for you. CLETS is a statewide computer system that lets police know about your order.

- 11 Go to the court hearing.**
- At the hearing, the judge will decide whether or not to renew the order. Bring a copy of the *Proof of Personal Service* (Form DV-200) with you.

- 12 If the judge renews the order at the hearing . . .**
- The form *Order to Renew Domestic Violence Restraining Order* (Form DV-730) will need to be filled out. Some courts will do this for you. In other courts, you will have to do it yourself. Ask the court clerk for information on the local process. The judge will sign Form DV-730 after it is filled out.
 - The clerk will file the original and give you up to 3 stamped copies.
 - The court will send Form DV-730 to law enforcement or CLETS for you. CLETS is a statewide computer system that lets law enforcement know about the order.

- 13 Serve the Papers**
- You must have Form DV-730 served, either by mail or in person.
- You can have Form DV-730 served by mail only if:
 1. The restrained person was at the hearing **or**
 2. The restrained person was not at the hearing but the renewed orders are identical to the orders on Form DV-130, except for the end date.
- Ask the server to complete Form DV-250 (*Proof of Service by Mail*) and give it to you.
- You must have Form DV-730 served in person if:

The restrained person was not at the hearing and the renewed orders are different from the orders on Form DV-130, except for the end date.

Ask the server to complete Form DV-200 (*Proof of Personal Service*) and give it to you.

- 14 File your *Proof of Service*.**
- Make 3 copies of the completed *Proof of Service* (Form DV-200 or DV-250).
 - Mail or take the original and the copies to the court clerk. The clerk will file the original.
 - Keep one copy with you and another in a safe place in case you need to show it to the police.
 - The court or the sheriff (if the sheriff serves the order) will send the *Proof of Service* to CLETS for you.

This is not a Court Order.

Clerk stamps date here when form is filed.

**DRAFT
Not Approved by the
Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Name of Protected Person:

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

Name: _____ State Bar No.: _____

Firm Name: _____

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

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

2 Name of Restrained Person:

Description of restrained person:

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

Race: _____ Age: _____ Date of Birth: _____

Mailing Address *(if known)*: _____

City: _____ State: _____ Zip: _____

Relationship to protected person: _____

Court will fill in the rest of this form.

3 Court Hearing

The judge has set a court hearing date.

The restraining order (*Order of Protection*) stays in effect until the hearing date.

Name and address of court if different from above:

**New
Hearing
Date**

→ Date: _____ Time: _____

Dept.: _____ Rm.: _____

To the person in 2:

At the hearing, the judge can renew the current restraining order for another 5 years or permanently. Before the hearing, you can file a response on form DV-720. You *must* continue to obey the current restraining orders until the hearing. At the hearing, you can tell the judge why you agree or disagree with the request to renew the orders. If the restraining orders are renewed, you *must* obey the orders even if you do not attend the hearing.

This is a Court Order.



4 Service and Response

To the Person in 1

Someone 18 or over—**not you or anyone else protected by the restraining order**—must personally “serve” a copy of the following forms on the person in 2 at least _____ days before the hearing.

- DV-700, *Request to Renew Restraining Order* (file stamped);
- DV-710, *Notice of Hearing to Renew Restraining Order* (this form);
- DV-720, *Response to Request to Renew Restraining Order* (blank copy);
- DV-130, the current *Restraining Order After Hearing (Order of Protection)* that you want to renew.

After the person in 2 has been served, file Form DV-200, *Proof of Personal Service*, with the court clerk. For help with service, read Form DV-200-INFO, *What Is “Proof of Personal Service”?* **Bring a copy of Form DV-200, Proof of Personal Service, to the court hearing.**

To the Person in 2

If you want to respond in writing to the request to renew the restraining order, fill out form DV-720, *Response to Request to Renew Restraining Order*. File the original with the court, and have someone 18 or over—**not you**—mail a copy of it to the person in 1 before the hearing. Also file form DV-250, *Proof of Service by Mail*, with the court before the hearing. **Bring a copy of Form DV-250, Proof of Service by Mail, to the court hearing.**

Date: _____

Judicial Officer



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 proceeding. Contact the clerk’s office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Order* (Form MC-410). (Civil Code, § 54.8.)

Use this form to respond to the Request to Renew Restraining Order (Form DV-700)

- Fill out this form and then take it to the court clerk.
Have someone—age 18 or older—not you or anyone in (3) on Form DV-130 serve the person in (1) by mail with a copy of this form and any attached pages. (Use Form DV-250, Proof of Service by Mail.)

Clerk stamps date here when form is filed.

DRAFT
Not approved by the
Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

The court will consider your Response at the hearing. Write your hearing date, time, and place from Form DV-710, item (3) here:

Hearing Date -> Date:
Time:

Dept.: Room:

You must continue to obey the current restraining order on Form DV-130 (Restraining Order After Hearing) until the hearing. If you do not come to the hearing, the court may renew the order against you 5 years or permanently.

(1) Protected Person (See Form DV-700, item (1)):

(2) Restrained Person:

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

Name: State Bar No.:

Firm Name:

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

Address:

City: State: Zip:

Telephone: Fax:

E-Mail Address:

(3) Response

- I agree to renew the order.
I do not agree to renew the order.

(4) I ask the court not to renew the order because (specify):

Blank lines for specifying reasons for not renewing the order.

Check here if you need more space. Attach a sheet of paper and write "DV-720, Reason to Not Renew" for a title.

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: Your lawyer's name, if you have one

Lawyer's signature

Clerk stamps date here when form is filed.

DRAFT Not Approved by the Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Name of Protected Person:

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

Name: State Bar No.:

Firm Name:

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

Address:

City: State: Zip:

Telephone: Fax:

E-Mail Address:

2 Name of Restrained Person:

Description of restrained person:

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

Race: Age: Date of Birth:

Mailing Address (if known):

City: State: Zip:

Relationship to protected person:

3 Hearing

There was a hearing on (date): at (time): a.m. p.m. Dept. Room:

These people were at the hearing:

a. The person in 1 c. The lawyer for the person in 1 (name):

b. The person in 2 d. The lawyer for the person in 2 (name):

4 Renewal and Expiration

The request to renew the attached restraining order, issued on (date): is:

a. GRANTED. The attached restraining order is renewed and will now be in effect for:

5 years permanently (the renewed restraining order must be attached to this form.)

The attached order will expire on:

(date): (time): a.m. p.m. or midnight

(Child custody, visitation, and support orders may have been modified and may be different from those issued on the attached restraining order).

b. DENIED. The attached restraining order expires as stated in that order.

Number of pages attached:

Date:

Judicial Officer

This is a Court Order.

SPR11-55

Family Law - Domestic Violence: adopt rule of court regarding modification of child custody and visitation orders and revise, approve, adopt, and revoke forms used in Domestic Violence Prevention Act cases

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
1.	Hon. Irma Poole Asberry, Supervising Judge, Superior Court of Riverside County	A	Thank you for drafting format that eliminate ambiguities in the current form. I would prefer that the protected parties address & phone number appear on the DV-102. Allows court and law enforcement to be able to quickly access protected party, if needed.	Agree to include phone number as an optional field.
2.	Association of Certified Family Law Specialists Diana Wasznicky, President	AM	ACFLS suggests the following modifications: 1) DV-102: The Judicial Council requests specific comment on whether this CLETS form that is designed for DVPA case only should be a stand alone (other actions Juvenile, Civil, Etc. have their own form, six total different CLETS forms) or should there be a universal form that applies to all actions. ACFLS supports the proposal for one universal form, but the form must be easy to locate on the website of the California Courts and included in the packets. The instructions should alert individuals that this form is now mandatory. The committee further seeks comment on whether the protected person’s address should be included in the Confidential CLETS information form. ACFLS suggests that some of type of contact address be included, not necessarily the actual physical address of the protected person. This form could inadvertently be included in the court file or otherwise accessed by restrained persons so mandating the actual address	Agree to consolidate into one universal form. The forms indicate that the CLETS Information form is mandatory. Agree to include the address as listed on the order.

SPR11-55

Family Law - Domestic Violence: adopt rule of court regarding modification of child custody and visitation orders and revise, approve, adopt, and revoke forms used in Domestic Violence Prevention Act cases

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
			<p>does not seem appropriate.</p> <p>2) DV-110: This form proposes three boxes to be reviewed by the Judge and one checked as to each item on the proposed order after hearing. DV-130 uses just one box. ACFLS proposes that one box format be used for this form as well, as the three box form is confusing and somewhat burdensome.</p> <p>3) DV-300: This form is used after a hearing that modifies a restraining order. Judicial Council seeks specific comment on whether the instructions are clear on this form. The instructions are clear, however, what is not clear, is whether the court or party is to fill out this form and when should it be filled out, when filing for the hearing or after the hearing? ACFLS proposes that clarification be inserted in the instructions regarding those issues.</p> <p>4) Other comments: On DV-100, under 13c-DV-150 should be FL-150. DV-100, page 4 of 5, add form title-Income and Expense Declaration-under #17. DV-100, #19 should be modified to state that “you must bring proof of these expenses and proof of payment to...”</p>	<p>The committee prefers the use of three checkboxes on the temporary order to ensure that each requested order is considered and clearly addressed. Further explanation of the committee’s recommendation is in the report.</p> <p>The committee does not recommend Form DV-300 at this time. The form could prove beneficial but requires substantial revision and additional review.</p> <p>The committee agrees to correct the typographical error. The committee agrees to add the title of Form FL-150.</p> <p>The committee does not propose adding the requested text for several reasons. The litigant may not have been able to pay the bill; the text has been on the form for many years in its current form and has not received any comments during</p>

SPR11-55

Family Law - Domestic Violence: adopt rule of court regarding modification of child custody and visitation orders and revise, approve, adopt, and revoke forms used in Domestic Violence Prevention Act cases

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	Commentator	Position	Comment	Committee Response
			<p>DV-125 and DV-126 should all be one form, divided so that Request and Order are all in one form.</p> <p>DV-730 #4(b) contains a typo. In addition, it can be confusing if the court is renewing orders via attachment. There may be other orders that are not attached. This order needs to contain more specificity.</p>	<p>that time; and revising the text would require circulation for comment.</p> <p>The committee recommends using two forms for the reasons indicated in the report. A separate form for the order may be used by courts to order continuances and reissue orders in their own discretion or by a respondent to seek additional time to respond or hire an attorney. Judicial officers indicate that having forms that serve these purposes will be very useful.</p> <p>The committee agrees to correct the typographical error. The committee agrees to clarify the referenced expiration date on Form DV-130.</p>
3.	Bay Area Legal Aid (San Francisco) Minouche Kandel, Staff Attorney	AM	I am submitting comments on behalf of Bay Area Legal Aid (Bay Legal). Bay Legal provides direct representation in the area of family law to domestic violence survivors in San Francisco, San Mateo, Santa Clara, Contra Costa and Alameda counties. We also run court-based restraining order clinics in San Mateo and Contra Costa County, and help supervise the Cooperative Restraining Order Clinic in San Francisco. Bay Legal and its predecessor legal aid agencies have been assisting abuse survivors in family court for over forty years.	

SPR11-55

Family Law - Domestic Violence: adopt rule of court regarding modification of child custody and visitation orders and revise, approve, adopt, and revoke forms used in Domestic Violence Prevention Act cases

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
			<p>DV-100</p> <p>Item 13:</p> <p>I like that the request for child support has been separated out from the request for child custody/visitation, so it is more clear what the person is asking for. The instructions below 13c instruct the person to attach Form DV -150. I think this should be FL-150, unless there will be an Income and Expense Declaration specific to DV cases, in which case current form DV-150 for supervised visitation would need to be renumbered.</p> <p>DV-102</p> <p>I do not think that the address of the person to be protected should be included if it is confidential. I think the form should let the protected person know they don't need to include an address if it's not safe. It's not clear how a mailing address for the protected person would help law enforcement enforce the order. Human error is inevitable, and unless there is a really strong argument for including a confidential address, then it does not make sense to include it, as it creates one more opportunity for confidential information to be shared (mistakenly).</p> <p>Universal CLETS form</p>	<p>The committee agrees to correct the typographical error.</p> <p>The committee recommends including the petitioner's address, as listed on the restraining order.</p>

SPR11-55

Family Law - Domestic Violence: adopt rule of court regarding modification of child custody and visitation orders and revise, approve, adopt, and revoke forms used in Domestic Violence Prevention Act cases

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	Commentator	Position	Comment	Committee Response
			<p>Having one form for all types of restraining orders make sense. I think it is really helpful to have all of the forms that are necessary for a particular type of action have the same prefix (i.e. DV, FL, etc.) Particularly if one is using forms software that groups forms in this way, it is helpful, so if one is applying for a restraining order, for example, one can see all of the DV forms. So if one form is developed, it would be helpful to continue the practice of the current DV-260, which includes several different form prefixes for the same form. One suggestion would be to “number” the form, DV-CLETS, JD-CLETS, etc., so it would be easy to recognize as the same form appearing in different modules.</p> <p>DV-110</p> <p>THANK YOU for including in the instructions for law enforcement that the officer must arrest the restrained person if there is probable cause that there has been a violation of the order.</p> <p>Staff at Bay Area Legal Aid’s restraining order clinics indicated that they find the check boxes [] granted [] not granted [] not requested on the form DV-110 to be helpful. Particularly in the ex parte context, where the party is usually not before the court, it forces the judicial officer to review each request carefully.</p>	<p>The committee agrees to recommend one universal CLETS Confidential Information form with a universal identifier.</p> <p>No response required.</p> <p>No response required.</p>

SPR11-55

Family Law - Domestic Violence: adopt rule of court regarding modification of child custody and visitation orders and revise, approve, adopt, and revoke forms used in Domestic Violence Prevention Act cases

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	Commentator	Position	Comment	Committee Response
			<p>DV-126</p> <p>It is very helpful to have the language on service included in this form.</p> <p>DV-130</p> <p>The inclusion of the word “temporary” is problematic in the sentence at the end of paragraph 5: The court has granted the temporary orders checked below. The orders issued after a hearing are not temporary, they are permanent, sometimes lasting as much as five years. To refer to them as temporary is confusing, particularly since the orders issued ex parte are specifically called “Temporary Restraining Orders.” Since custody and visitation orders can stay in effect even after the restraining order expires, they may in many cases be permanent orders if no other family law case is filed. Paragraph 4 is very clear about the expiration date of any orders, so is confusing to then qualify the orders as temporary on the next page. Including the word temporary may also create confusion about whether this is a permanent order for purposes of an appeal (which it clearly is).</p> <p>DV-140</p> <p>I think paragraph 14 (regarding the prohibition on removing a child from California without a noticed hearing) rather than being a warning,</p>	<p>No response required.</p> <p>The committee agrees to correct the typographical error by removing the word “temporary” from the warnings immediately following the heading “To the person in (2)” on page 2 of Form DV-130.</p> <p>The committee recommends including the notice to Form DV-110 which is a more appropriate place. That form is typically used to issue ex parte</p>

SPR11-55

Family Law - Domestic Violence: adopt rule of court regarding modification of child custody and visitation orders and revise, approve, adopt, and revoke forms used in Domestic Violence Prevention Act cases

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
			<p>should be a box and possible order that the Court would check or not, depending on whether the form is being attached to an ex parte order or an order after a hearing. I think it will be too confusing for some parties to figure out when this applies in their case.</p> <p>DV-250 Paragraph 4: The use of the word “resident” can be confusing for immigrants who are not legal residents, but are permitted to serve papers. Changing the language to “I (the server) am 18 years of age or over and I am a resident live or am employed in the county...” would clarify that anyone over 18 can serve, regardless of their immigration status.</p> <p>DV-300 Item 9b and 9c indicate that if the other party was not at the hearing, they must be personally served with the order. If the only changes to the order were custody and visitation, I do not believe these changes require personal service, since there is already jurisdiction over the other party at this point in the case. The only reason that personal service would be required would be if the protected party wanted to ensure that the restrained party had actual knowledge for purposes of finding them in criminal violation of a restraining order. Our experience is that district attorney’s offices do not charge</p>	<p>orders, which is the precise circumstance under which Family Code section 3063 applies.</p> <p>The committee agrees to revise the text in item 4 on Form DV-250 to eliminate the confusion for immigrants by changing the word “resident” to “live in.”</p> <p>The committee does not recommend Form DV-300 at this time. The form could prove beneficial but requires substantial revision and additional review.</p>

SPR11-55

Family Law - Domestic Violence: adopt rule of court regarding modification of child custody and visitation orders and revise, approve, adopt, and revoke forms used in Domestic Violence Prevention Act cases

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	Commentator	Position	Comment	Committee Response
			<p>restraining order violations if the only violation is violation of a custody/visitation order, so personal service in this context would create a burden for the protected party without much benefit. Perhaps the form could indicate that personal service is required if the protected party wants to ensure the possibility of criminal prosecution for violation of any changes to the order.</p> <p>DV-730 There is a typo on item 4b – the “y” is missing from “permanently”</p> <p>The last line which indicates the expiration time if the date is not indicated should read that the order expires five years from the date of the hearing, not three, as Family Code § 6345(a) for renewing restraining orders only allows orders to be renewed for 5 years or permanently. See <i>Avalos v. Perez</i>, 196 Cal. App. 4th 773 (2011).</p>	<p>The committee agrees to correct the typographical error in item 4(b) on Form DV-730.</p> <p>The committee recommends eliminating the notice altogether as it is not required and Family Code section 6345(a) and (c) do not specify the expiration date of a renewal if no date is written on the form.</p>
4.	Alice Buck, Lead Staff Attorney, San Diego Family Law Facilitator	NI	<ol style="list-style-type: none"> 1. DV-100 Remove shaded box on #4 – limits JO’s options or change “will” to “may” Add step siblings to that item 2. DV-110 Leave <input type="checkbox"/> not requested <input type="checkbox"/> denied <input type="checkbox"/> granted as follows as is 3. DV-130 – leave <input type="checkbox"/> before each order as is! 	<p>The committee agrees to change the word “will” to “may” to preserve the judicial officer’s discretion.</p> <p>The committee agrees to recommend the use of three checkboxes on the temporary order to ensure that each requested order is considered and clearly addressed. Further explanation of the committee’s recommendation is in the report.</p> <p>The committee agrees to keep one box before</p>

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			4. DV-300 – GOOD FORM! Except delete #9 as contradictory to #7 regarding service	each order as suggested. The committee does not recommend Form DV-300 at this time. The form could prove beneficial but requires substantial revision and additional review. .
5.	California Department of Justice Tami Krenzin	AM	<p><i>DV-110:</i></p> <p>1. Personal Conduct Orders (Item 6) & Stay-Away Order (Item 7)</p> <p>The check boxes are confusing because different orders could apply to the “person in 1” and the “persons in 3” as listed. DOJ suggests taking out the check box in front of “persons in 3.” Generally, these orders should apply to all the protected persons, and the Court can note any exceptions.</p> <p>2. Debt Payment (Item 15)</p> <p>DOJ is uncertain as to the necessity of including this item in the order.</p> <p>3. Items 13, 17-20</p>	<p>1. The committee recommends keeping the checkboxes because the court often makes different orders for the various protected people.</p> <p>2. The order is statutory and improves consistency for litigants and the court. On balance, including the items outweighs the potential for law enforcement confusion as to these items which clearly state they are not orders.</p> <p>3. See response to item 2 above.</p>

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			<p>It appears the purpose of including these items is for consistency, but it does not appear necessary because nothing is ordered. If these items are not necessary, DOJ suggests deleting them so it is not confusing for law enforcement.</p> <p>4. Property Restraint (Item 16)</p> <p>Does this apply to people who are living together but not married or registered domestic partners?</p> <p>5. This form does not include Item 10 from other forms re Mandatory Entry into CARPOS</p> <p>6. Instructions to Law Enforcement, p. 46</p> <p>“The hearing date on page 1” should be corrected to read “page 2.”</p> <p>7. <i>DV-130</i>: same comments for DV-110 apply</p> <p>8. <i>DV-250 & DV-300</i>: changes provide</p>	<p>4. The order only applies to those who are married or in registered domestic partnerships.</p> <p>5. The commentator is referencing the statement in the civil harassment and other civil orders that requires specified persons to enter those orders into the statewide registry. The law with respect to the DV restraining orders has not changed; the court must either enter the order or forward the order to the entering agency.</p> <p>6. The committee agrees to correct the typographical error.</p> <p>7. See responses above.</p> <p>8. No response required.</p>

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			good information, particularly, regarding service	
6.	Hon. John Chemeleski, Trial Court Commissioner	N	<p>Objections to proposal SPR11-55:</p> <p>Rule 5.381 (a)(1) To avoid potential confusion between termination and expiration this sentence should clarify that under FC 6345(a) “termination” requires a stipulation or motion but that expiration under FC 6345(b) or (c) occurs automatically at the end of the “duration” on the date set forth in the order or after 3 years if no expiration date is mentioned. The statutory changes for this year only affect “termination”. A failure to clarify this in the proposed rule may lead some to believe that a custody order that has expired under FC 6345 b or c is still in effect. Although the heading of FC 6340 in some publication of this statute erroneously uses the term “expiration”, the heading is not part of the legislation (AB 939) and has no legal effect.</p> <p>Form DV-100</p> <p>Changing the name of a form creates unnecessary confusion, delays, loss of time and expense for all victims and other litigants, court personnel, law enforcement personnel, assistance providers. Is it worth it?</p>	<p>The committee recommends deleting (a)(1) altogether. There is no need to restate the statute.</p> <p>The committee appreciates that the new name for Form DV-100 order will be an adjustment for experienced court staff and attorneys. However, the benefit will be that the form will include the term “Domestic Violence” so it is more easily recognized by self-represented litigants. The commentator does not provide specific evidence of how the name change would cause confusion or</p>

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			<p>The description of the abuse should be before the list of orders requested to make it more likely the applicant will devote sufficient effort to this most important portion of the form.</p> <p>Form DV-109</p> <p>The judges signature should be on the first page of this form to make it more likely that it will be recognized for it's significance and less likely it will be mixed up with other forms. The notices to the litigants can be placed on the next page or pages.</p> <p>Par. 5 should have "at least five days before the hearing, unless a different period of time is stated here: ___" to help avoid inconsistencies in time periods and be consistent with the FC 243 requirements and avoid the problem as to what happens if this space is inadvertently not filled in.</p> <p>The paragraph "To the person in 2" should not</p>	<p>delay.</p> <p>The committee agrees that the description of abuse is an important element of the form. However, moving the description of abuse to be located before the list of requested orders would conflict with the goal to align the item numbers of the orders among Form DV-100, DV-110, DV-120, and DV-130. On balance, the committee proposes that the description of abuse remain where it has been for many years instead of moving it.</p> <p>There is insufficient space on page one for the judicial signature because it needs to follow items 4 and 5.</p> <p>The committee agrees to revise the paragraph to clarify the time for service.</p> <p>The committee agrees to revise the notice to</p>

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			<p>have a space for the number of days to mail the response since a response is not required the only consideration is the petitioner’s non entitlement to a continuance if the response is served at least 2 days before the hearing under FC 243(f). This paragraph should simply advise the responding party of the terms of that section and should say nothing about mailing.</p> <p>Form DV-110</p> <p>Forms DV-100 and DV-110 should not have a reference to a stay away order from a “vehicle” as there is no specific authorization for a stay away order from movable personal property (except pets) that could be placed anywhere and created significant problems for the restrained party as well as law enforcement. If the court decides to grant such an order under FC6322 such an order could be include under “other”. Having the preprinted language on the form implies that it is standard procedure to grant such an order even without the requirements of the findings for FC6322 orders (i.e. necessary).</p>	<p>remove the time period for filing a response.</p> <p>The committee considered the comment but proposes to keep the word “vehicle” along with homes, jobs, schools and places of childcare because Family Code section 6322 authorizes the court to issue other orders that are necessary to effectuate the underlying restraining orders. Commentators, including many judicial officers, have notified the committee over the years that they often issue a stay away order from a vehicle as well as the other locations. They have requested inclusion of these common orders on the form. The court will check the appropriate boxes if the court finds the orders are necessary.</p>
7.	Mary Ann Devine, Family Law Facilitator	AM	DV-160, the child support order, was revoked as of 1/1/11. As I understand it, we are supposed to attach FL-342 when the court makes a child support order. The problem is that the party titles on the forms don't match. The DV forms refer to "restrained person" and "protected person" while the Family Law form refers to	The committee understands that it may be confusing for self-represented litigants to use the standard Family Law forms. At this time, the committee does not recommend development of a suite of DV forms to mirror the Family Law forms as suggested. The committee will take the suggestion under advisement and consider

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			<p>"petitioner/plaintiff" and "respondent/defendant."</p> <p>The Family Law forms work well for divorce and paternity cases, maybe the easiest fix is to create a combined child, spousal and family support form for DV cases that mirrors the party identification in Form DV-140, the Child Custody and Visitation Order. In that form, boxes can be checked for "Mom," "Dad" and "Other." There is space to identify "other." You would include DV versions of FL-342 for non-guideline orders; FL- 192, Notice of Rights and Responsibilities; and FL-191, Child Support Case Registry form.</p>	<p>whether revisions to the standard Family Law forms could be made to align them more closely to the style of the DV forms. The existence of Family Law Facilitators and self-help centers to provide assistance with child support matters is helpful, as those staff may assist litigants with the child support attachments to ensure that the party titles on the attachments align with those indicated on the restraining order.</p>
8.	Family Violence Law Center Kristie Whitehorse, Managing Attorney	A	<p>COMMENT: What will the change of time for service on the Respondent of a request for orders be changed to [Family Code Sec 243(b)]?</p>	<p>Family Code section 243(b), effective 1/1/2012, will change the time for service to be five days before the hearing unless the court shortens the time for service.</p>
9.	Harriett Buhai Center for Family Law Erin Dabbs, Staff Attorney	AM	<p><u>TRO vs. RO</u> We are concerned that all DVPA forms seem to portray the misconception that in order for a litigant to obtain a restraining order, the litigant must make the request ex parte and seek a temporary restraining order (TRO). However, a litigant may in fact obtain a restraining order (RO) without going through the ex parte process and without first obtaining a TRO. <i>See Ritchie v. Konrad</i>, 115 Cal. App. 4th 1275, 1279 (2004). A restraining order may be issued by the court if the litigant shows to the satisfaction</p>	<p>The proposed revision would have to be circulated for comment. The committee will consider the comment when the forms are next revised.</p>

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			<p>of the court past acts of abuse and reasonable apprehension of future abuse. Cal. Fam. Code _ 6300; <i>Ritchie</i>, 115 Cal. App. 4th 1290. As written, the DVPA forms might preclude a litigant from seeking a restraining order if s/he feels that s/he will not qualify for a TRO or is denied a TRO. Additionally, the forms may result in judicial officers incorrectly denying restraining orders that have not been sought through the ex parte process.</p> <p><u>Asking Court Clerks for Information and Legal Advice</u> Many of the information forms instruct litigants to seek information or guidance from court clerks. Court clerks cannot give legal advice. Additionally, in large counties such as Los Angeles, court clerk have very little time to be giving information to litigants and they may not be able to give referrals to other resources. Instead of referring litigants to court clerks, they should be referred to local county bar associations, local self-help centers, or local county resource centers.</p> <p><u>New Address Language in Captions</u> We agree with the proposed change but would also like to include that using a PO Box as an address is acceptable. In our experience, clerks often reject requests for restraining orders on the basis that the litigant has used a PO Box because they do not have a confidential address.</p>	<p>The committee understands that legal services vary widely in their availability across the state. The court clerk is able to provide a list of available resources in the county. Most self-represented litigants will contact the court clerk to file papers. Thus, the clerk is in a position to provide the most relevant referrals. The information sheets do not instruct the litigant to seek legal advice from the clerk.</p> <p>This is educational issue that could be resolved in ways other than on the form.</p>

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			<p><u>Orders last 5, not 3 years</u> The law was recently amended so that restraining orders after hearing last 5, not 3 years unless otherwise specified. All forms should be changed to reflect the 5 year standard.</p> <p><u>Info for Litigants that do not Speak English</u> On all info forms, the language in this section should be modified. Currently, the forms state that if an interpreter is not available (from the court), the litigants should bring one themselves. However, under Evidence Code section 755, in a proceeding where a protective order is being sought the court must provide an interpreter to any party that qualifies for a fee waiver. The forms do not seem take into account this statute. Many monolingual non-English speakers do not have someone willing to go to court with them and interpret. However, if they qualify for a fee waiver, they are not required to do so. The court must provide them with an interpreter and the info sheets should reflect this mandate.</p> <p>Rule 5.381</p> <p>We propose the following changes to the proposed rule (noted by underlines in the below text).</p> <p>(a)(1) “Child custody, visitation, and support</p>	<p>Family Code section 6345(c) states that the failure to state the expiration date on the face of the form creates an order with a duration of three years from the date of issuance.</p> <p>The requirement for a court to provide an interpreter in Evidence Code section 755(a) is qualified by Evidence Code section 755(e) which requires the court to provide interpreters only if federal funds are made available for that purpose. The Judicial Council is unaware of any federal funds specifically made available to provide for interpreters in these matters.</p> <p>The committee recommends that (a)(1) be</p>

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			<p>orders <u>continue to</u> remain in effect <u>even after</u> the termination...”</p> <p>(a)(2) “This rule addresses court procedures for the modification of child custody, visitation, and support orders <u>issued in Domestic Violence Prevention Act cases</u> in accordance with Family Code section 6340(a).”</p> <p>(b) At the end, include the following sentence: <u>“A party may follow normal procedures for requesting a waiver for court fees and costs when appropriate.”</u></p> <p>Confidential CLETS Information (form DV-102)</p> <p>We have no comment on whether there should be one universal CLETS information form, as long as the form is included in each relevant form group.</p> <p>Box approach used on the Temporary Restraining Order (DV-110) and Restraining Order After Hearing (DV-130)</p> <p>We strongly believe that the one box approach as used in the Restraining Order After Hearing (DV-130) should be the approach used on both forms. The three box approach used on the Temporary Restraining Order (DV-110) is</p>	<p>eliminated as it restates the law and does not address court administration.</p> <p>The committee agrees to revise the rule to incorporate the suggestion.</p> <p>The committee does not recommend the suggestion because it restates the law.</p> <p>No response required.</p> <p>The committee prefers the use of three checkboxes on the temporary order to ensure that each requested order is considered and clearly addressed. Further explanation of the committee’s recommendation is in the report.</p>

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			<p>confusing and leaves open too much room for error in completing the form to make the orders and in enforcing the orders. Each box may not be applicable to the content below. Additionally, there is too great a possibility that the wrong box might be checked or multiple boxes checked by mistake, making the orders difficult or impossible to enforce.</p> <p>Change to Restraining Order After Hearing (DV-300)</p> <p>We agree with the proposed instructions.</p> <p>DV-100</p> <p><u>Item 3</u> “If yes, list them here” should all be on one line.</p> <p><u>Item 9</u> Include ammunition in both the regular text and the italic text.</p> <p><u>Item 13</u> Under this item, there are 3 boxes to choose. There is no instruction that you can select more than one, which we believe there should be as long as the responses are consistent. A litigant could check (a) and (c) or (b) and (c) and be correct. For example, you could answer and say</p>	<p>The committee does not recommend Form DV-300 at this time. The form could prove beneficial but requires substantial revision and additional review.</p> <p>The committee recommends eliminating the word “here” in that sentence because the word will not fit on one line. The sentence is understandable without that word.</p> <p>The committee agrees to incorporate this suggestion.</p> <p>The committee agrees to add a notation in italics to check all boxes that apply.</p> <p>The detailed instructions about the interplay of public support and child support orders would require the addition of another page to</p>

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			<p>you (a) have no order and (c) are on CalWORKs or (b) You have an order and want it modified and (c) you are on CalWORKs. Obviously (a) and (b) are inconsistent choices.</p> <p>There is an elaborate and somewhat complicated statutory scheme involving the interplay of the federal IV-D child support system and California’s child support law. Because time does not allow a full disposition of the relationship, suffice it to say under Family Code section 17404(d) a public assistance recipient on CalWORKs (CW) does not forfeit her right to seek support from the non-custodial parent (ncp). This is a common misconception and the proposed provision we believe fosters this incorrect interpretation of the law. While a litigant on CW must give <i>notice</i> to the child support agency that she is seeking a support order, she is <i>not</i> barred from requesting or obtaining it. The funds when received should either be directed to the agency or reported to them and public assistance reduced accordingly.</p> <p>By separating out CW recipients (and Medi-Cal) as choice (c) in the context of Item 13 it could easily be read by a litigant to mean that she should not choose (a) or (b). As structured, a judicial officer might also think she or he should not be ordering support if the litigant is on CW. To remedy the problem we suggest the</p>	<p>accommodate, as there is insufficient space available on that page. People receiving public assistance are informed that they must notify the agency if they receive other support. Therefore, on balance, the committee does not recommend adding the suggested instruction.</p>

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			<p>following language:</p> <p>13. Child Support (You can choose more than one. If you are on TANF, Welfare, CalWORKs, or Medi-Cal you can ask for support but you must tell the child support agency you are requesting it and give them the opportunity to come to court with you). <i>a- same as before</i> <i>b- same as before</i> c- I now receive or have applied for TANF, Welfare, CalWORKs or Medi-Cal. I will notify the county child support office I am asking for child support and give them my court date.</p> <p><u>Item 13: The italicized language below c.</u> The way the language from Family Code section 6341 is listed on this form can be misleading. It might be read by a litigant, attorney, or judicial officer as the <i>exclusive</i> standard for ordering child support in a dvpa case. Clearly it is intended as an <i>additional</i> factor (i.e. to supplement and not supplant) to the child support guideline provisions of Family Code section 4050 and the duty of a parent to support a child found in Family Code section 3900.</p> <p>We therefore suggest that the language in the form say: <i>“In addition to consideration of the factors found in Family Code sections 3900, and 4050 et seq, the Court must consider whether failure to make child support orders</i></p>	<p>The committee carefully considered this comment but does not propose revising the form to reflect the suggestion. Including specific code sections, as suggested, will not be meaningful to the majority of self-represented litigants and, in general, the forms do not include specific code references. A full and complete explanation of the child support duties and guidelines goes beyond the function of the form. Further, including the suggested text would require adding an additional page to the form.</p>

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			<p>will jeopardize (note the word is misspelled in the proposed form) your safety and the children for whom support orders are requested. The court will also consider safety concerns related to the financial needs of you and the children.”</p> <p><u>Item 18</u> include that the FL-150 must also be served, in addition to completed and filed.</p> <p><u>Item 23</u> Instead of instructing litigants to ask the court clerk what to do, give specific instructions on what litigants must do. If counties do not have a uniform system. Instruct litigants to assistance from their local self-help center, country resource center, etc (see general comments above).</p> <p><u>Item 25g</u> Ask litigants, “if not, why?” and include a space for litigant’s response.</p> <p>DV-101 <u>Item 2</u> “Name of person you want protection from” should all be on one line.</p> <p><u>Items 3f & 4f</u></p>	<p>The committee agrees to revise the form to incorporate the suggestion.</p> <p>The committee does not recommend adding detailed instructions about service of process by the sheriff because county procedures vary so widely. The court clerk will be able to provide referrals that are county-specific.</p> <p>The committee suspects that the comment is regarding item 25(f). The committee does not recommend asking the litigant for information that is likely known only by the law enforcement agency.</p> <p>The committee agrees to correct this formatting error.</p>

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			<p>Give litigants the opportunity to explain why the police did not come out (see comment above).</p> <p>DV-102 No comment</p> <p>DV-105</p> <p><u>Item 5</u> Should state where has the child in 3a...</p> <p>Child 3's addresses - the "a" should be in the circle.</p> <p><u>Item 11</u> We do not agree with this change. The wording is confusing. The prior language was clearer.</p> <p>DV-109</p> <p><u>Item 4a(2) and (3)</u> Missing final parenthesis at the end.</p> <p>We recommend including a notice to the person in item 1 that even if they do receive temporary orders, if they do not attend the scheduled hearing, the temporary orders will expire, the case will be dismissed, and they will have to start the process over again if they want a restraining order.</p>	<p>The committee does not recommend asking the litigant for information that is likely known only by the law enforcement agency.</p> <p>No response required.</p> <p>The (a) does not fit inside the circle so the committee does not recommend moving it as requested.</p> <p>The committee considered comments from other commentators on this issue as well and the committee proposes revising 11(b) to state that the person will "pick up" children from the visit.</p> <p>The committee agrees to correct this typographical error.</p> <p>The information found on page 3 for the person in (1) includes all of the information suggested by the commentator. The committee agrees to add a sentence to the last itemized point to reflect the suggested text.</p>

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			<p>DV-110</p> <p><u>Item 6</u> If a court is going to make a finding, it is important that the court affirmatively makes the finding, such as by checking a box stating so. A finding should not be presumed.</p> <p><u>Item 9</u> Include ammunition</p> <p><u>Warnings and Notices to Restrained Persons in 2</u> Include ammunition</p> <p>DV-112</p> <p>At the top of the form, see item 3 on form DV-109 should refer to item 5, not 3.</p> <p>The new language in the last bullet should include, “and you will not be given the opportunity to tell the judge why you feel you need a restraining order at this time.”</p>	<p>If the comment relates to the third box in item 6(a), a finding is necessary only if the court does not make the order. Family Code section 6222.7 is worded in the negative.</p> <p>The relinquishment requirement only applies to firearms, not ammunition.</p> <p>The committee agrees to incorporate this suggestion.</p> <p>The reference is intended to alert the litigant to the hearing date. The committee proposes clarification of this sentence by revising it to state: “Use this form only to waive (cancel) the hearing date in item (3) on Form DV-109, <i>Notice of Court Hearing</i>.”</p> <p>The committee does not recommend including the suggested text because it could cause confusion. Litigants are free to submit a new application for a restraining order at any time. The committee is concerned that the suggested text could be misinterpreted to mean that the litigant is unable to reapply.</p>

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			<p>DV-120</p> <p><u>Item 13</u> Missing (Simplified) after financial statement.</p> <p>DV-120-INFO See general comments above.</p> <p><u>What are the legal requirements?</u> The 1st bullet should state, “a person has been abused or threatened to be abused and”</p> <p><u>Page 2, What if I have a gun</u> Reference to form DV-810 gives the wrong title to the form.</p> <p><u>What about a lawyer?</u> We do not agree with this change. This title is confusing. The old title should be used.</p> <p><u>What if I want to leave the country or state?</u> Text should read, “You still must comply with the restraining order. The restraining order is valid anywhere in the United States.”</p> <p>DV-125 We do not agree with the proposed change to separate the request and order into two forms. The instructions should remain separate form DV-126-INFO. As it is the process to obtain a</p>	<p>The committee agrees to correct this typographical error.</p> <p>The committee agrees to incorporate this suggestion.</p> <p>The form name is proposed to be changed effective 1/1/12. The committee agrees to ensure that the title of the form is stated correctly.</p> <p>The committee agrees to revise the title as requested: “Do I Need a Lawyer?”</p> <p>The committee agrees to revise the text as suggested.</p> <p>The committee proposes a separate form to order continuances and reissuances. The revised order form will take into account that both parties may ask for a continuance, which the commentator</p>

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			<p>restraining order requires the completing, filing, and serving of many forms. Many litigants get lost in the process. We see no need to add an addition form. The DV-125 has worked well as both the request and order and makes it easier for litigants because all they need to do is attach the one DV-125 to the original documents that needed to be served.</p> <p>We do agree with the other proposed changes to the text of the form. We do agree with the proposed changes to the changes in the text to the order form proposed DV-126, but suggest that these changes be incorporated into the old DV-125 as a request and order within the same form.</p> <p>DV-126 See general comments above.</p> <p>DV-126-INFO See general comments above.</p> <p>DV-130</p> <p><u>Item 3</u> Remove the word “temporary” before orders. This is not a temporary order.</p> <p><u>Item 4, First Bullet</u> Change the number of years from 3 to 5. The current law is that a restraining order ends 5</p>	<p>endorses, but also may be used by courts to order continuances and to reissue orders, on their own motion, without the need for a request form. Judicial officers indicate that having a form for this purpose would be very useful. Further discussion about this issue may be found in the report.</p> <p>See response above.</p> <p>The committee agrees to retain a separate information sheet as requested.</p> <p>The committee agrees to incorporate this suggestion.</p> <p>The committee does not recommend revising the text because Family Code section 6345(c) indicates that the order expires three years from</p>

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			<p>years after the date of hearing, unless otherwise specified. <i>See</i> Fam. Code § 6345.</p> <p><u>Item 5, Notice to person in 2</u> Delete the word “temporary” before orders. This is not a temporary order.</p> <p><u>Item 6</u> See comment above about judicial findings.</p> <p><u>Warnings and Notices on page 5.</u> Move bullet 3 to bullet 1. Delete the last bullet. This info pages applies only to temporary orders.</p> <p><u>Last sentence on page 5</u> If no end date is listed, the orders end 5, not 3, years from the hearing date.</p> <p>DV-140 Agree with proposed changes</p> <p>DV-145</p> <p><u>Item 5</u> Before the boxes, include a statement that the litigant should check all boxes that apply. Start the boxes on the next line.</p>	<p>the date of issuance if no expiration date is written on the order.</p> <p>The committee agrees to incorporate this suggestion.</p> <p>The committee responded to this comment above.</p> <p>The committee agrees to incorporate this suggestion.</p> <p>The committee does not recommend revising the text because Family Code section 6345(c) indicates that the order expires three years from the date of issuance if no expiration date is written on the order.</p> <p>No response required.</p> <p>The committee does not recommend incorporating this suggestion. However, the committee does recommend clarifying the text below the title “The Court Orders” to indicate that all checked orders are court orders. The form is not to be</p>

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			<p>DV-150</p> <p><u>Item 4b</u> should state, “Supervised exchange and all transfers of children between parents, as follows.” Include a line for “location,” and “supervisor.”</p> <p>DV-170</p> <p>Agree with proposed changes</p> <p>DV-200</p> <p>Agree with proposed changes, except we do not agree with separating DV-125 into DV-125 and DV-126. We recommend keeping the request and order in the same form. We strongly object to adding additional forms to a set of forms that is already extremely lengthy and detailed.</p> <p>DV-200-INFO</p> <p><u>2nd line under “What is Service?”</u> There is an extra “are” that should be deleted.</p> <p><u>2nd Bullet under “Who can serve?”</u> This should be deleted. It is redundant with bullet 3.</p> <p>Information about sheriff service should go above information about a “registered process server.”</p>	<p>completed by the litigant; it is a court order.</p> <p>The committee recommends clarifying this issue by revising Form DV-140 and Form DV-150 to more clearly address supervised visitation matters. Additional specifics about where pick up and drop off should occur may be included under “Other” as those issues often are quite complex.</p> <p>No response required.</p> <p>No response required to comment on DV-200. The committee’s response to the comment regarding Form DV-125 and DV-126 is provided above.</p> <p>The committee agrees to correct this typographical error.</p> <p>The committee agrees to correct this typographical error.</p> <p>The committee agrees to incorporate this suggestion.</p>

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			<p><u>2nd page</u> Delete all references to DV-126.</p> <p>DV-250 <u>Item 3</u> Should include people listed in items 1, 2 and 3.</p> <p>DV-300 Agree with proposed changes.</p> <p>DV-500-INFO See general comments and comments on DV-120-INFO form above.</p> <p>DV-505-INFO See general comments above.</p> <p><u>Item 8</u> Delete any reference to form DV-126.</p> <p>DV-510-INFO Agree with proposed changes as long as all information in this form is represented in the new forms.</p> <p>DV-520-INFO See general comments above.</p>	<p>The form number has changed to Form DV-116.</p> <p>The committee agrees to incorporate this suggestion.</p> <p>The committee does not recommend Form DV-300 at this time. The form could prove beneficial but requires substantial revision and additional review.</p> <p>The committee agrees to incorporate the suggestions except that there is no reference to firearms.</p> <p>The committee is uncertain which comments are being referenced.</p> <p>The form number has changed to Form DV-116.</p> <p>No response required.</p> <p>No response required.</p>

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			<p><u>Which Forms?</u> This title should be changed to better clarify what this section is about. We suggest titling it “What Forms Should I Bring to the Hearing?”</p> <p>DV-530-INFO Agree with proposed changes.</p> <p>DV-540-INFO Agree with proposed changes as long as all information is included in the new forms.</p> <p>DV-550-INFO Agree with proposed changes as long as all information is included in the new forms.</p> <p>DV-560-INFO Agree with proposed changes as long as all information is included in the new forms.</p> <p>DV-600 Agree with proposed changes</p> <p>DV-700 Agree with proposed changes</p> <p>DV-700-INFO See general comments above.</p> <p><u>Item 6</u> At the end of the last sentence add, “and it cannot be renewed.”</p>	<p>Some counties prepare forms for self-represented litigants. Therefore, the committee proposes revising the title to state: “Which forms will I receive after the hearing?”</p> <p>No response required.</p> <p>No response required.</p> <p>No response required.</p> <p>No response required.</p> <p>No response required.</p> <p>No response required.</p> <p>No response required.</p> <p>No response required.</p> <p>The committee does not recommend adding the suggested text. A litigant is free to submit a new</p>

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			<p>DV-710 Agree with proposed changes</p> <p>DV-720 Agree with proposed changes</p> <p>DV-730</p> <p><u>Item 4</u> Permanently is missing the “y.”</p> <p>Other option should just state, “other,” with a blank line after for the court to fill in.</p> <p>Text underneath the box of when the order will expire should state 5 years, not 3 years from the date of the hearing.</p>	<p>request on the same or different facts at any time. The committee is concerned that adding the suggested text might lead litigants to think that they cannot file a new request at a later date.</p> <p>No response required.</p> <p>No response required.</p> <p>The committee agrees to correct this typographical error.</p> <p>The committee does not agree to incorporate this suggestion. Family Code section 6345 states that orders can be renewed for either 5 years or permanently. Adding an open-ended space for another date, other than just for a continuance as allowed by law, could be in opposition to the statute and case law.</p> <p>The committee recommends eliminating the notice altogether as it is not required and Family Code section 6345(a) and (c) do not specify the expiration date of a renewal if no date is written on the form.</p>
10.	Frances Ho, Domestic Violence Services Coordinator,	AM	I’ve reviewed the proposed DV forms and I agree with the proposed changes, except as	

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	Superior Court of Solano County		<p>listed below:</p> <p>1. DV-105 Instead of creating a new item number for "Other visitation" I suggest keeping the form in its current format and adding a subsection under #9 (which would be 9(c)(4)) and call it "Supervised Visitation see form DV-150*in italics." In my experience, I usually do not use #9(c) when asking for supervised visits. A proposed supervised visitation schedule usually involves day visits on more than one day a week. Therefore, it usually has to go into "Other Visitation." Also, creating a subsection under #9 would eliminate the need to have two subsections under "Supervised visitation (as proposed).</p> <p>2. DV-109 I suggest changing the current form to make #5(b) mandatory and not a checkable box. The instruction says that it shall be served if the judge makes orders. It seems like the language already gives an exception for service in the event that the TRO is not granted.</p> <p>3. DV-125 and DV-126 Are these forms designed for use by both parties? DV-125(4)(c) and DV-126(4)(b) suggests that both parties can use these forms to ask and obtain a continuance and/or reissuance. If so, should the titles in #1 and #2 be changed?</p>	<p>1. The committee does not recommend incorporating this suggestion because "Other Visitation" is meant to account for holidays and other times that do not fit neatly into the weekends or weekdays offered in item 9. The committee understands that visitation schedules are often complex and varied. For that reason, the committee prefers the flexibility allowed in the form as drafted.</p> <p>2. The committee will take this comment under advisement since there were no proposed changes on this part of the form. Removing the checkbox would require circulation for comment as it was on the form previously that way.</p> <p>3. The committee agrees with this comment and agrees to revise the title to: "Name of Person To Be Restrained."</p> <p>Form DV-115 is designed to be used only by the person asking for the restraining order.</p>

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			<p>For instance, "Name of proposed restrained party" instead of "Name of Person You Want Protection From."</p> <p>4. mandatory Confidential CLETS form I believe that one CLETS form is sufficient and do not see the need for a specific one for each type of restraining order. I also do not see the benefit of adding the protected party's mailing address to the CLETS form. If this form is for law enforcement purposes only, I do not see any value in LE having a protected party's mailing address (which will change a lot over time). On occasion our customers complain of LE statements that the address used is the only "home" that the restraining order protects. Although this is wrong I foresee this kind of issue if an address became part of the CLETS entry.</p>	<p>4. The majority of commentators preferred one universal form. The committee recommends one universal form with a single identifier for the reasons specified in the report. The committee also recommends including the protected person's address as listed on the restraining order because the majority of commentators requested it.</p>
11.	Julie, Legal Process Supervisor, Superior Court of Santa Barbara County	N	<p>Fee should be charged for any modification to custody, support, visitation orders in a DV case whether or not the protective order has expired or has been terminated. These are time consuming and often utilize services of mediators.</p>	<p>The committee does not recommend revising the rule as requested. Family Code section 6222 states that there is no filing fee for an application, a responsive pleading, or an order to show cause that seeks to obtain, modify, or enforce a protective order or other order authorized by the DVPA when the request for the other order is necessary to obtain or give effect to a protective order. The establishment or modification of child custody and visitation orders is necessary to give effect to a protective order. Thus, a fee cannot be charged for a modification request filed during the time a restraining order is in effect. The rule does</p>

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			<p>One universal CLETS order is much better than 6 separate forms.</p> <p>Consistent item numbers on forms would be very helpful.</p> <p>Retain relationship information of additional protected people-judicial officers like to know who these people are.</p> <p>Three box proposal is thorough, yet time consuming. Probably beneficial if going electronic.</p>	<p>not impose any new requirement.</p> <p>No response required.</p> <p>No response required.</p> <p>The commentator does not specify which form this comment relates to. The committee is unable to respond. Form DV-100 does retain the relationship information of additional protected people.</p> <p>The committee prefers the use of three checkboxes on the temporary order to ensure that each requested order is considered and clearly addressed. Further explanation of the committee’s recommendation is in the report.</p>
12.	Debbie Kruse, Deputy Manager, Family Law, Superior Court of Orange County	AM	<p>Commenting on behalf of Orange County FL courtroom operations managers, supervisors and staff:</p> <p>Form DV-300</p> <p>The purpose of this form should be clearer and/or modified:</p> <p>1. If the intention is to use this form solely to notify CLETS of a DV-130 modification, it creates an unnecessary burden on court staff and</p>	<p>1. The committee does not recommend Form DV-300 at this time. The form could prove beneficial but requires substantial revision and</p>

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			<p>judicial officers who would be required to process an Amended DV-130 and a DV-300 form each time a restraining order is modified and we do not agree with this change. Modifications are common in our court; visitation and support are frequently modified as restrained parties comply with orders for treatment. At each modification we complete a new DV-130 reflecting all changes; it is now being suggested that we also complete a DV-300.</p> <p>2. If the DV-300 is intended to replace Amended and/or Modified DV-130 forms, our operations staff fully supports and encourages its implementation. It would be a great efficiency. To use the form in this manner some changes to the proposed form would be required:</p> <ul style="list-style-type: none">• The form title should read “Order for Change to Restraining Order After Hearing”• The introductory wording should read “This form is used by the court to change existing restraining orders and to notify ... (CLETS) of those changes. Requests by a party for changes.....• A line should be added directly under this introduction: This order makes changes to Restraining Order After Hearing (form DV-130) issued on (date). <p>Item 4, rather than have party specify form that</p>	<p>additional review.</p> <p>2. See response above.</p>

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			<p>is attached, allow limited selections by inserting the following check-box selections: DV-140, DV-145 and DV-150</p> <p>Item 8, Information regarding transmission to CLETS is not included on any other DV form, including the DV-130 and DV-126, why here? Suggest it be removed.</p> <p>Request for Accommodations, suggest removing this, the hearing is over at this point; it is not included on the DV-130.</p>	
13.	Legal Aid Foundation of Los Angeles Jimena Vasquez, Staff Attorney	AM	<p>LEGAL AID FOUNDATION OF LOS ANGELES COMMENTS TO SPR11-55</p> <p>We agree with proposed Rule 5.381 and agree with the proposed changes to the Domestic Violence Prevention Act forms if modified as follows:</p> <p><u>The Opportunity To Stipulate to Parentage Needs To Be Referenced In DV-100 and DV-120 Forms</u></p> <p>While these proposals only deal with Rule 5.381, many of the domestic violence rules are interrelated and they should not be ignored. Specifically, new rule 5.380 which gives litigants the opportunity to request to be legally named as the parents of a minor child in a domestic violence prevention act case should be taken into account. The rule was meant to avoid litigants having to go back to court to establish parentage and thereby reduce court filings, and reduce the batterer’s ability to continue to abuse</p>	<p>The committee agrees to recommend cross-references to Form DV-180 in Form DV-100 and Form DV-120.</p>

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			<p>through the court system. However, nowhere in the domestic violence forms is this new relief mentioned. If litigants do not know about the relief they will not be able to take advantage and request the appropriate relief.</p> <p>We suggest that a simple way to educate litigants about their right to be named as a parent is by putting it in the initial request, the DV-100 and in the response, DV-120. We propose simply adding a section entitled Legal Parentage to DV-100 before the request for child custody and visitation as follows:</p> <p style="padding-left: 40px;">Legal Parentage <input type="checkbox"/> I request that the court name me and the person in 2 as the legal parents of the children listed in 4.</p> <p>In DV-120 the request would be similar and could be done as follows:</p> <p style="padding-left: 40px;">Legal Parentage a. <input type="checkbox"/> I agree to the order requested</p> <p style="padding-left: 80px;">b. <input type="checkbox"/> I do not agree to the order requested</p> <p>If the appropriate boxes in the DV-100 and DV-120 are checked the court will have reasonable basis to inquire whether the parties want to stipulate on the record to parentage and then give them the appropriate forms to sign.</p> <p><u>Do Not Include Address of Protected Person On Confidential CLETS Information, DV-</u></p>	<p>The committee recommends including the protected person’s mailing address as listed on the</p>

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			<p><u>102 and Have One Universal Form</u> On the CLETS information there is a section that requests the mailing address of the person listed. It is unclear why a mailing address is needed and as such it should be optional or removed from the form. The database does not send the protected person mail. Furthermore, specific home address information is not needed to protect a person’s home. For example, if a person moves to a new home after obtaining a restraining order, that new home will also be protected as a specific location is not mentioned on the restraining order. The only thing listed on the order is that person’s “home” is protected. Since the mailing addresses purpose on the form is not clear it should be removed as it unnecessarily jeopardizes the safety of protected persons.</p> <p>We also believe that one universal CLETS form is better than six identical forms with different titles.</p> <p><u>Both DV-110 and DV-130 should Use Three Boxes</u> We prefer the three box approach when the court issues orders. We believe that it ensures that the judges are not overlooking any relief requested or that the failure to check a box was a mistake instead of purposefully done to deny a request. We have seen judges who physically cross off items but they are also confusing and often difficult to read. They also</p>	<p>temporary restraining order. Many commentators requested that it remain on the form.</p> <p>The committee prefers the use of three checkboxes on the temporary order to ensure that each requested order is considered and clearly addressed. The committee recommends that one box be used for the orders after hearing. Further explanation of the committee’s recommendation is in the report.</p>

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			<p>make it difficult for people entering the CLETS information as they often are unable to decipher what items were crossed off and what were granted. For clarity, the three box system is best.</p> <p><u>The Reasons for Denial Of A Reissuance Should Be Indicated On DV-126</u></p> <p>The text to clarify that the form can be used for a continuance or reissuance has not made the form clearer and has only further complicated the form. We agree with separating the original DV-125 into two forms one a declaration and one an order. However the current DV-125 Section 4c has another followed by a blank line which often served the purpose of allowing for a continuance for Respondent or the restrained person to get a lawyer. We believe 4c is sufficient and no change needs to be made.</p> <p>To make the form clear and allow for a judicial officer to continue a matter where temporary orders were denied, we suggest adding a box in DV-126 Section 3 as follows:</p> <p>a. <input type="checkbox"/> Resissuance Granted. Any orders on DV-110, Temporary Restraining Order stay in effect until the hearing date below</p> <p>b. <input type="checkbox"/> Resissuance Denied because: _____ _____ _____ _____</p>	<p>The committee agrees to clarify the form by separating out the continuance from the reissuance as they are separate issues and to include a section for the court to indicate the reasons for denial of a request to reissue the order.</p>

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			<p>c. <input type="checkbox"/> Hearing Continued</p> <p>Furthermore in Section 3 of DV-126 for consistency, granted should be 3a and denied should be 3b similar to the lay out in DV-109. It should also parallel DV-109 and have blank lines next to denied for the judge to explain the reasons why the request was denied.</p> <p><u>The DV-130, DV-140 and DV-150 Should Cross Reference the DV-180</u></p> <p>The new relief available to litigants-to stipulate to parentage- should be cross referenced in the appropriate documents. Otherwise, it obscures the relief available to litigants. Since there may be situations in which a litigant may wish to attach the DV-180 to the DV-130 or that the DV-180 is attached to a DV-140, or DV 150, these forms should be cross referenced by putting a box to check off where appropriate.</p> <p><u>The Warning On DV-140 Regarding Removing A Child From California Should Be Eliminated</u></p> <p>The warning is unclear, duplicative and unnecessary. Family Code Sec 3063 only applies to the time period between an unnoticed hearing and the regular hearing, typically about 21 days. DV-140 however is used both in that 21 day period and after a noticed hearing. Many pro per litigants may think that even after a noticed hearing they cannot remove their children from California as they do not</p>	<p>The committee does not recommend cross-referencing Form DV-180 in the orders after hearing. The stipulated judgment of parentage may be filed at any time, either with or after the noticed hearing. The committee recommends that Form DV-180 be a stand-alone form for the reasons provided in the report relating to that form.</p> <p>The committee recommends moving the warning to the temporary restraining order because the prohibition applies only on an ex parte order. The committee believes this will ameliorate any confusion as noted by the commentator.</p>

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			<p>understand the difference between noticed and unnoticed hearings. Removing the warning from DV-140 would eliminate confusion.</p> <p>Furthermore, the warning already exists in DV-105 under important instructions. One warning should be sufficient to deter a litigant from leaving California with a child. It is also included in the DV-120 INFO and the DV-150-INFO and consequently it seems unnecessary in the DV-140.</p> <p><u>The Instructions On DV-300 Should Be Made Clearer</u></p> <p>The DV-300 form could be more explicit that it is for court use only. Perhaps putting for court use only in the title or allowing a litigant to fill in section 1 and 2 and then a space and line that says “the court will fill out the rest of this form,” as in DV-109 would be more clear that litigants should not fill it out.</p> <p><u>DV-730 Needs To Clarify Which Orders Are Being Renewed</u></p> <p>The DV-730 form contemplates renewal of the DV-130 orders. But often attached to DV-130 orders are custody and visitation orders. Since litigants now have the ability to modify custody and visitation orders it is possible that before the DV-130 expired custody orders were modified. When a litigant then seeks to renew the DV-130, the custody orders attached to the DV-130 should not be renewed. To clarify what orders are being</p>	<p>The committee does not recommend Form DV-300 at this time. The form could prove beneficial but requires substantial revision and additional review.</p> <p>The renewal is intended to apply only to the restraining orders. The committee recommends responding to the suggestion by adding a notice that child custody, visitation and support orders may have been modified after the initial restraining order was issued.</p> <p>The committee agrees to switch the order of denied and granted as suggested.</p>

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			<p>renewed, in section 4 of the DV-730 another line should be added as follows: <input type="checkbox"/> Other orders modified _____ remain in full force and effect. We also suggest that for consistency section 4 should list denial after granted so that it is 4b and not 4a. This is similar to the DV-109 order with denial as the last option.</p> <p><u>Typos and Clerical Changes</u> In section 13 of the DV-100 reference is made to attaching DV-150, Income and Expense Declaration but the DV-150 is the Supervised Visitation Order. Instead it should refer to the FL-150. In Section 4 of the DV-730 a “y” is missing in the word permanently.</p>	<p>The committee agrees to correct these typographical errors.</p>
14.	Los Angeles County Bar Association Debra S. Frank, Chair of the Family Law Section	A	The committee has no comments and/or objections to SPR 11-55, Proposed Rule 5.381 which allows for modification of custody orders to be made in DVPA actions where there were custody orders made in the original action.	No response required.
15.	Neighborhood Legal Services of LA County Diane Trunk, Staff Attorney	NI	<p>I. Specific Requests for Comment A. Rule 5.381 - Comments on the Proposed Rule 1. Subsection (a)(1) is uncertain in the same way Fam. Code 6340(a) is uncertain: <input type="checkbox"/> First, it only refers to “termination” of a restraining order, not “expiration” of an order.</p>	<p>1. The committee recommends eliminating section (a)(1) because it restates the law.</p>

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			<p>In L.A. County, a party may bring an application to “terminate” a DVPA order if that party wishes to end the order before its expiration date. The proposed rule is uncertain in that it is uncertain whether termination and expiration are the same thing. Ideally, the language of the statute and rule would be “termination or expiration of a protective order . . .” DV-140, Item 15 “Duration of Child Custody, Visitation and Support Orders” explains uses the simple language term “end,” which is clear, but it may go beyond the terms of the statute and proposed rule if termination and expiration are not the same.</p> <p><input type="checkbox"/> Second, the rule (like the statute) is uncertain in that it does not distinguish between ex parte custody orders and custody orders made after a hearing. Our file review of stand-alone DVPA cases filed in the districts where we are located shows that around 40% of the DVPA petitioners do not appear at their hearings. We do not know what percentage of those cases are cases involving children – but we assume many of them are. In those cases, a parent may obtain ex parte custody orders and then not appear for the hearing and the case is dismissed. According to this rule and the statute, it appears the ex parte custody orders survive. At this time, we have no preference for ex parte orders surviving or not, but the statute and proposed rule continue the</p>	

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			<p>problem of lack of clarity surrounding this crucial issues for DVPA litigants.</p> <p>2. Subsection (b): <input type="checkbox"/> If it is the intent of the Committee to have this subsection convey a mandatory procedure, the word “may” should be changed to “must.” Otherwise, this portion of the Rule could be construed as permissive. <input type="checkbox"/> We propose changing the phrase “only after a protective order . . . has terminated” to “only if a protective order . . . is no longer in effect.” This language avoids any confusion between termination and expiration.</p> <p>3. Subsection (c): NLSLA objects to this portion of the Proposed Rule as it opposes the use of Standard Family Law forms to request a modification of a DVPA order. The same policies that warrant the use of simple-language forms in an initial DVPA request (or reissuance or renewal) apply in the case of a modification. Simple language modification forms could look very much like the DV-100 and DV-105, with the addition of a check box marking a request for modification. Some bench officers in our practice area allow a request for modification using the existing DVPA forms, with a handwritten change to the title of the form. This process has been very easy to implement and is very clear for SRL’s.</p>	<p>2. The committee agrees to change the word “may” to “must.”</p> <p>The committee agrees to revise the text as indicated to change the word “terminated” to “no longer in effect.”</p> <p>3. The committee agrees to eliminate section (c) as requested.</p>

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			<p>B. Confidential CLETS Information Form DV-102</p> <p><input type="checkbox"/> NLSLA believes that there should be a different CLETS form for each type of restraining order. We think that a form with a DV number may be easier to find and easier to assume that it is a necessary part of the required DV forms.</p> <p><input type="checkbox"/> NLSLA does not object to including lines for the protected person’s mailing address on the CLETS form. If the Petitioner is using an address and not filing with a confidential address, then the Petitioner’s address is known to the Respondent and there is no harm in including it in the CLETS form. The proposed language, “listed on the restraining order” alerts the protected person that if there is no mailing address on the restraining order, no address is needed on the CLETS form.</p> <p><input type="checkbox"/> We think that inclusion of the two checkboxes specifying initial or amended information could be helpful. However, the Committee should consider replacing “This is an amended form” with “This is updated information.” The form has not changed, only the information has changed.</p> <p><input type="checkbox"/> NLSLA agrees with deleting the “Relation to the Person in 1” column from the Proposed DV-102. That information is relevant only to the issue of whether the other protected person can be included in the order. It is not relevant at the</p>	<p>For the reasons specified in the report, the committee recommends one CLETS form with a universal identifier.</p> <p>No response required.</p> <p>The committee prefers to make it clear that if a new form is submitted, it supersedes the prior form.</p> <p>No response required.</p>

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			<p>enforcement stage.</p> <p>C. TRO/ROAH Check boxes NLSLA proposes that the DV-130 be revised to have the format currently used on the DV-110, i.e., the three checkboxes. NLSLA agrees that this format prompts the judicial officer to review the request and respond to each item requested. NLSLA has seen an improvement in the clarity of the TROs that have been made since the changes were made to the DV-110. Clarity of the orders is of paramount importance as law enforcement will not enforce or misinterpret unclear orders. We see that law enforcement is confused by orders with interlineations on them and will not enforce unclear orders.</p> <p>D. Change to Restraining Order After Hearing DV-300 <input type="checkbox"/> The instructions about what the form is and how it is to be used are very unclear. <input type="checkbox"/> In our practice, to the extent we see orders entered into CLETS, the Sheriffs accept amended or revised DV-130 and DV-140 or a termination order (LASC has a local form for Termination, but NLSLA understands that CLETS will also accept a certified copy of a minute order) to update the CLETS system without a separate form. The only change to an order that would not already be recorded on a filed order which could be transmitted to CLETS is a termination of a DV-130. Rather</p>	<p>The committee recommends keeping one box on DV-130, based on public comment. More detailed information is provided in the report.</p> <p>The committee does not recommend Form DV-300 at this time. The form could prove beneficial but requires substantial revision and additional review.</p>

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			<p>than creating a “Change to ROAH” form, the Committee should consider creating a “Termination of ROAH” form, which could then be transmitted to CLETS for updating the database. Then, any changes to the CLETS system can be made through transmitting a copy of an order – rather than transmitting a confusing hybrid order-notification form.</p> <p><input type="checkbox"/> The form says it is used by the court only to notify CLETS of certain changes, but the form also says “This is a Court Order.” This is very unclear. Is the form a notification (like the DV-102) or is it an order (like the amended DV-130 that will need to be issued anyway if an additional protected person is removed or another change is made)?</p> <p><input type="checkbox"/> The Proof of Service portion of this form is confusing. If this is a form used to communicate between the court and CLETS, it is not an order or a finding of any sort having legal bearing on the case. It is essentially a transmittal letter. Why should it be served?</p> <p>II. Comments on Specific DVPA forms A. DV-100 <input type="checkbox"/> Item 4e: NLSLA appreciates the difficulty of explaining the definition of a domestic relationship. However, these boxes are confusing. The terms “grandparent-in-law” and “grandchild-in-law” are not used. The half-sibling relationship is not included. Many</p>	<p>The committee does not recommend Form DV-300 at this time. The form could prove beneficial but requires substantial revision and additional review.</p> <p>The committee recommends including a brief outline of the types of relationships that might be included with a line for the litigant to write in the exact relationship for the court’s consideration. The comment clearly indicates why including specific relationships on the form can be confusing.</p>

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			<p>people call others “in-laws” when there is no legal marriage to establish that relationship. Therefore, NLSLA believes that this format will likely not dissuade people who do not qualify from seeking these orders.</p> <p><input type="checkbox"/> Item 4c and 4d: NLSLA sees confusion regarding the definition of “live together” under the DVPA. The form goes into detail re family relationship but does not explain this legal term. A simple room-mate looking at this form could think they would qualify for DVPA protection.</p> <p><input type="checkbox"/> Item 5a: NLSLA proposes changing the Juvenile check box to “Juvenile/Dependency.”</p> <p><input type="checkbox"/> Item 17: to be consistent with other references to forms, add “Income and Expenses Declaration” after FL-150.</p> <p><input type="checkbox"/> Item 25: This is not a simple language definition of abuse. References to Code sections are not useful in a simple-language form.</p>	<p>The phrase encompasses a complex legal issue which cannot be explained on the form. The determination whether the parties’ relationship qualifies for the order is fact specific and is best determined by the court.</p> <p>The committee agrees to add the suggested text.</p> <p>The committee agrees to add the suggested text.</p> <p>The committee appreciates the problem of drafting legally accurate text that is also understandable to the average lay person. The committee proposed the revision in response to commentators who, in the past, had objected to the over-simplification of the definition in the old form. While many of the terms require a high level of reading ability, there are enough terms that are simple. On balance, the committee proposes to restate the statute in this instance as it is the most complete definition available.</p>

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			<p><input type="checkbox"/> Item 25.f.: The item should read “The order protects you “and/or” the person in 2. Or, consistent with the DV-101, remove the conjunction altogether.</p> <p><input type="checkbox"/> Item 25g: This important item gets lost in this format. We propose that it be in bold type.</p> <p><input type="checkbox"/> Request for Orders to Stop Domestic Violence: NLSLA objects to the new title of this form as it may lead a petitioner to believe that this order will stop domestic violence, giving them false – and dangerous - expectations.</p> <p>B. DV-101</p> <p><input type="checkbox"/> Item 2: There is a typo in this item, which should read “name of the person you want protection from.”</p> <p><input type="checkbox"/> Item 3c: This form uses the old “afraid” language, which is inconsistent with the revised language on the DV-100. NLSLA prefers this simple language version to the proposed version in the DV-100.</p>	<p>The committee agrees to remove the conjunction.</p> <p>The committee agrees to bold the sentence “Has the person in (2) abused you (or your children) other times?”</p> <p>The committee agrees to revise the title as requested.</p> <p>The committee agrees to correct this typographical error.</p> <p>The committee appreciates the difficulties of translating the statute in a way that is legally accurate but also understandable to the average lay person. The committee proposed the revision in response to commentators who opposed the simplified version in favor of a definition that more closely matched the statute. DV-101 is an attachment that references the statute now found in DV-100 so the committee does not propose</p>

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			<p>C. DV-105</p> <p><input type="checkbox"/> Title: NLSLA proposes that this form be titled: Request for Child Custody and Visitation Orders as this title more clearly describes the purpose of the form.</p> <p><input type="checkbox"/> Item 5: The proposed Child's address section seems much easier for SRL's to prepare.</p> <p><input type="checkbox"/> Item 7b: NLSLA suggests that "Juvenile" be changed to "Juvenile/Dependency."</p> <p><input type="checkbox"/> Item 11: We suggest that the title and sub-captions of this Item not be changed. The proposed sub-captions do not make sense with the proposed new title.</p> <p><input type="checkbox"/> Item 11.d.: "Check here if different arrangement" is unclear.</p> <p><input type="checkbox"/> Item 12: The "Other" option is unclear. Moreover, there is no "other" option in the DV-150.</p>	<p>revising item 3(c) on DV-101</p> <p>The committee agrees to revise the title of the form as suggested.</p> <p>No response required.</p> <p>The committee agrees to incorporate the suggestion.</p> <p>The committee agrees to revise the title of item 11 from "Place and Method of Exchange for Visitation" to "Responsibility for Transportation for Visitation"</p> <p>The commentator does not specify how the phrase could be clarified. The committee recommends leaving the phrase as stated.</p> <p>Litigants may not understand the terms "professional" and "non-professional" supervisor. It is helpful to include an "other" option so the court has information about the desires of the parent and can make appropriate orders.</p> <p>The committee has added the term "therapeutic visitation" to the options on Form DV-150.</p>

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			<p><input type="checkbox"/> Page 3 Important Instructions: Change “remove the child from” to “take the child out of.” Also, references to Code sections are not useful in a simple language form.</p> <p>D. DV-109</p> <p><input type="checkbox"/> Page 1, To the person in 2: “Whether or not you respond in writing, go to the hearing” should say” Whether or not you respond in writing, go to the hearing also if you want the court to hear your side.” Just a simple instruction seems like legal advice.</p> <p><input type="checkbox"/> Page 2, Item 5.a and b.: This is unclear because it seems as if the attachments must be file-stamped, which they are not.</p> <p><input type="checkbox"/> Page 2, Item 5.d.: NLSLA objects to this item as it imposes a requirement upon DVPA petitioners, which is not in the Code.</p> <p>E. DV-110</p> <p><input type="checkbox"/> Item 3: There isa typo. 5 and 6 should be 6 and 7.</p> <p><input type="checkbox"/> “Denied” boxes: NLSLA proposes that the “denied” box be replaced with “denied until the court hearing.” SRL’s frequently do not</p>	<p>The committee agrees to incorporate this suggestion.</p> <p>The committee agrees to clarify this sentence by revising that sentence to read “Whether or not you respond in writing, go to the hearing if you want the judge to hear from you before making orders.”</p> <p>The committee agrees to clarify these sentences by moving (file stamped) to immediately follow the form name.</p> <p>The committee agrees to eliminate the requirement that a blank Proof of Service be served on the respondent. Family Code section 243 requires service of the petition, any temporary order and the notice of hearing. The committee agrees to revise this typographical error.</p> <p>The committee recommends adding the phrase “...until the hearing” as requested.</p>

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			<p>understand that a denial of an ex parte order is without prejudice to the noticed hearing. When their TRO's are denied, litigants feel they have lost their claims and do not follow through at their hearing.</p> <p><input type="checkbox"/> Items 13, 18&20: NLSLA supports these proposed additions to the DV-110 as the lack of reference to these requests in the TRO is confusing to SRL's.</p> <p><input type="checkbox"/> Item 21 Other Orders: Replace "Additional orders are attached at the end of this order as DV-110, Attachment 21" should be changed to be consistent with other references to attachments, such as, "Check here if there are additional Other Orders. List the other orders on an attached sheet of paper and write, "DV-110, Additional Other Orders" as a title.</p> <p>F. DV-112</p> <p><input type="checkbox"/> To the Person in 1, 3rd bullet point: Change "If you want to cancel the hearing, sign this form (DV-112) and file it . . ." to "If you want to cancel the hearing, sign this form below and file it . . ."</p> <p><input type="checkbox"/> To the Person in 1, 4th bullet point: "If the person in 2 files a response . . ." this is legal advice and is missing a comma or semi-colon.</p>	<p>No response required.</p> <p>The committee agrees to incorporate this suggestion.</p> <p>The committee agrees to incorporate this suggestion.</p> <p>The committee recommends revising the text to eliminate the appearance of giving legal advice.</p>

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			<p>G. DV-120 In general, NLSLA supports this proposed, more detailed form. NLSLA also supports the addition of the lines for writing out a response. However, NLSLA objects to “If you do not come to the hearing the court may make the order last for 5 years or longer.” As the jurisdictional limit on the orders at this stage is 5 years.</p> <p>H. DV-120-INFO <input type="checkbox"/> The definition of abuse given here is not a simple-language definition.</p> <p><input type="checkbox"/> Page 2 “What if the person seeking protection contacts me?”: Change “It affects only what you can do.” To “The order is only made against you.”</p> <p><input type="checkbox"/> Page 3 “What if I don’t have a green card?” is missing a period between citizen and If.</p>	<p>The committee agrees to incorporate the suggested text.</p> <p>The committee appreciates the difficulty of translating the statute into text that is understandable by the average lay person. The committee proposed the referenced text in response to commentators who had previously objected to the summary of the term abuse found in the old forms. The committee proposes to keep the more detailed statutory definition.</p> <p>The committee prefers not to frame the order as being “against” the restrained person but the committee agrees to clarify the sentence to read “The order only says what <i>you</i> can or cannot do.”</p> <p>The committee agrees to correct the typographical error.</p>

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			<p><input type="checkbox"/> Page 3 What if I have children with the person to be restrained: “restrained” should be changed to “protected.” Also, “If the judge issues a temporary restraining order that includes an order for custody . . .” should be changed to “If the judge makes a temporary order for child custody and visitation . . .”</p> <p>I. DV-125 and DV-126</p> <p><input type="checkbox"/> This form assumes that the protected person is asking for the reissuance/continuance. At times the court asks for the reissuance when there is no mediator available, or there is no interpreter available. Also, at times the restrained person asks for a continuance.</p> <p><input type="checkbox"/> What was one form is now 2 forms and 3 additional pages. As it is SRL are confused by the reissuance form when it is given to them by the clerk and they are told to fill it out. Now it is even more confusing for them. Especially as in #1 above, often the reissuance is at the direction of the court or at the request of the restrained person.</p> <p><input type="checkbox"/> #3states “I ask the judge to reissue or continue the <i>Notice of Court Hearing</i>.... This language is difficult to understand. It should be stated in plain language as follows: I ask the court for a reissuance of the TRO and for a</p>	<p>The committee agrees to correct the typographical error.</p> <p>The committee agrees to incorporate the suggested text.</p> <p>The committee proposes two separate forms to request and order continuances and reissuances. The revised order form will take into account that both parties may ask for a continuance, which the commentator endorses, but also may be used by courts to order continuances and to reissue orders, on their own motion, without the need for a request form. Judicial officers indicate that having a form for this purpose would be very useful. Further discussion about this issue may be found in the report.</p> <p>The committee agrees to clarify the sentence as follows: “I ask the court to continue the hearing date and to reissue any temporary restraining orders that were granted.” The committee recommends other, minor revisions to include the form number in item 3(b) and item 4.</p>

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			<p>continuance of the hearing.</p> <p><input type="checkbox"/> #4- boxes should be added for other common reasons for a reissuance, such as: e) There was no interpreter available; and f) There is a criminal case pending.</p> <p><input type="checkbox"/> Often SRL must obtain several reissuances because a criminal case is pending without a future court date, or the restrained person is taking their case to trial. The court should be able to obtain a time waiver and extend the TRO for longer than the 21-25 days so that the protected person does not have to return to court so many times due to the restrained person’s criminal case.</p> <p>J. DV-130</p> <p><input type="checkbox"/> Title: We suggest that the Committee use ROAH instead of OAH. This keeps the abbreviations consistent – unless a TRO is going to be changed to a TO.</p> <p><input type="checkbox"/> Item 3: There is a typo. 5 and 6 should be replaced with 6 and 7</p> <p><input type="checkbox"/> Item 4: The first bullet point states that if no date is written, the order expires in three years. We believe the orders should be consistent with the DVPA, which allows for a maximum of 5 years: “three” should be replaced with “five.”</p>	<p>The committee does not recommend adding more reasons for continuance as the reasons cited are not specifically authorized in the statute.</p> <p>The California Department of Justice requested that the codes remain as they are to comply with their internal protocols about entry of orders into CLETS.</p> <p>The committee agrees to correct this typographical error.</p> <p>Family Code section 6345(c) states that the failure to specify the expiration date on the face of the form creates an order with a duration of three years. The cited case did not address Family Code section 6345(c).</p>

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			<p><input type="checkbox"/> To the person in 2: “The court has granted the temporary orders checked below” should be changed to “The court has granted the orders checked below”. Also, “Item 9 is an order” should be removed. All of the numbered items are orders.</p> <p><input type="checkbox"/> Items 6 and 7: These both refer to peaceful contact with children in 3. This is unclear in that it assumes that all children listed in 3 will be children of the parties. This is not the case. Often a petitioner includes their children from another relationship or other children in their family as protected people.</p> <p><input type="checkbox"/> Item 15 Debt Payment: “Check here if you need more space” should be replaced with “Check here if there are additional payments ordered. List the other payments ordered on an attached sheet of paper and write, “DV-130, Debt Payment” as a title.”</p> <p><input type="checkbox"/> Item 19 Payments for Costs and Services: “Check here if you need more space” should be replaced with “Check here if there are additional payments ordered. List the other payments</p>	<p>The committee agrees to remove the word “temporary” as suggested. The committee does not recommend removing the text regarding item 9 as suggested because the advisement indicates that all of the checked boxes are orders and item 9 is not checked. The committee agrees to clarify the sentence by revising it to read: “Item (9) is also an order.”</p> <p>The item states that contact is allowed as required for court-ordered visitation. If there is no court order for visitation then there is no exception to the restraining order. The committee understands that there may be children from other relationships. However, the text on the form does not affect the restraining order unless there is a current court order regarding the children and the restrained person.</p> <p>The committee agrees to add more specificity as follows: “Check here if more payments ordered.” Due to space limitations on the form, the exact wording suggested is not possible.</p> <p>The committee agrees to add more specificity as follows: “Check here if more payments ordered.” Due to space limitations on the form, the exact wording suggested is not possible.</p>

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			<p>ordered on an attached sheet of paper and write, “DV-130, Payments for Costs and Services” as a title.”</p> <p><input type="checkbox"/> Page 5, Certificate of Compliance with VAWA: Again, the word “temporary” is used and should be taken out. “This temporary restraining order...” the word temporary should be deleted and the paragraph should read: “This restraining order...”</p> <p><input type="checkbox"/> Page 5, Instructions for Law Enforcement: The last sentence should read: “The orders end on the end date in item 4 on page 1. If no end date is listed, they end five years from the hearing date”. (replace the word “three”)</p> <p>K. DV-140</p> <p><input type="checkbox"/> Item 4d (3) Other Visitation: we propose that the language be changed to reflect that any attachments to this order should be made on appropriate family law forms, not just any sheet of paper. The attachments need to be on family law form to be enforceable by police. The language should read: “Check here and attach the appropriate family law attachments (FL-341 (a-e), if there are other visitation days and times, like holidays, birthdays, and sports events.”</p> <p><input type="checkbox"/> Item 5: We believe this order can be confusing for SRL because the instructions for</p>	<p>The committee agrees to amend the form as suggested.</p> <p>The committee does not propose revising the text as suggested because Family Code section 6345(c) states that the failure to specify the expiration date on the face of the form creates an order with a duration of three years. The cited case did not address Family Code section 6345(c).</p> <p>The commentator does not provide any statutory basis to support the suggestion that law enforcement will enforce only those orders that are on Judicial Council forms. Furthermore, child custody and visitation orders are not restraining orders. While it may be ideal for litigants to use standard Family Law forms, that is not always possible.</p> <p>The committee agrees to amend Form DV-140 and Form DV-150 to eliminate the confusion and</p>

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			<p>Supervised Visitation or Exchange refer to DV-150, Supervised Visitation and Exchange Order. The DV-150 attachment- page 1 number 7(b), refers litigants to DV-140 for a schedule. These two instructions are confusing, if not in conflict with one another. Also, since DV-140 is an attachment to DV-110 or DV-130; then DV-150 should not be an attachment to this attachment. Therefore, we propose that the Committee incorporate the orders reflected in DV-150 into DV-140.</p> <p><input type="checkbox"/> We propose the following Item 5:</p> <p>5. Supervised Visitation or Exchange:</p> <p>a. The Parent to be supervised is: ___ Mom ___ Dad ___ Other (name): _____</p> <p>b. Type of Supervision:</p> <p>i) ___ Supervised visitation</p> <p>ii) ___ Supervised exchange for all transfers of children between parents, as listed above</p> <p>iii) ___ Therapeutic visitation (licensed mental health professional)</p> <p>c. Type of Provider: ___ Professional (individual or supervised visitation center) ___ Nonprofessional</p> <p>d. Provider’s Information:</p> <p>Name: _____</p> <p>Telephone: _____</p> <p>Address: _____</p> <p>_____</p> <p>e. Costs Will Be Paid As Follows:</p>	<p>to clarify the type of visitation and schedule.</p>

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			<p>_____ Mom to pay _____% _____ Dad to pay _____% _____ Other: _____</p> <p>f. Contact With Provider: _____ Mom to contact provider by (date): _____ _____ Dad to contact provider by (date): _____ _____ Other: _____</p> <p>L. DV-150 <input type="checkbox"/> Again, NLSLA proposes that the Committee incorporate the DV-150 into DV-140 number 5 (see above for explanation) <input type="checkbox"/> If this form is NOT incorporated we believe that Number 10 is problematic because there is no court rule or statute that requires parties to follow the guidelines and/or rules of the provider. The problem is that this assumes there will be a professional monitor in place. Many times supervised visits are ordered through a third person, often related to either party.</p> <p>M. DV-700 <input type="checkbox"/> Item 3.c.: This item allows for another time period other than 5 years or permanently. The court has no authority to make an order other than 5 years or permanently, so the “Other” box should be removed.</p> <p>N. DV-710</p>	<p>The committee agrees to remove the order as requested.</p> <p>The committee recommends eliminating the text as suggested.</p>

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			<p><input type="checkbox"/> It is helpful that this form now states, "The order stays in effect until this hearing." Before it was unclear whether the DV-130 was in effect when the renewal hearing date was after the DV-130's expiration date.</p> <p>O. DV-730</p> <p><input type="checkbox"/> NLSLA proposes that the Committee consider whether upon renewing the order, the court could prepare a new DV-130 form, perhaps with a check box showing that the order is a Renewed Order.</p> <p><input type="checkbox"/> If the Committee chooses to use a DV-730 form, NLSLA proposes that the new form be titled "Renewed Restraining Order After Hearing."</p>	<p>No response required.</p> <p>The court can attach a new DV-130 or the old one.</p> <p>The committee recommends changing the name of the form to <i>Order to Renew Domestic Violence Restraining Order</i> if we keep this new form?</p>
16.	Next Door Solutions to Domestic Violence Virginia Ballantyne, Legal Program Coordinator	NI	<p>DV-100:</p> <p>Modify #4 re: relationships; change wording re: in-laws to specify that they must be "legally" in-laws through marriage/adoption/etc. otherwise, many cultures consider people their "in-laws" if they have dated "long term" without a legal marriage, etc.</p> <p>Modify # 12b to specify a custody/visitation order exists and person wants it changed</p> <p>#13 -We like the language re: considering safety</p> <p>#16 - We like the language including domestic partner</p>	<p>The committee agrees to revise the relationships in item 4 by eliminating the specifics about step and in-law relations in favor of a check box with the title "step or in-law (by marriage)" so litigants can add the relationship for the court to consider.</p> <p>The committee agrees to incorporate this suggestion.</p> <p>No response required.</p> <p>No response required.</p>

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	Commentator	Position	Comment	Committee Response
			<p>#17 - We like the language re: explanation to request Spousal Support</p> <p>#24-26 are helpful for self-represented to describe abuse</p> <p>DV-110: In general - we like how the 3 boxes were reorganized to have NOT REQUESTED first, followed by DENIED, followed by GRANTED. This makes it easier to see, mark, etc.</p> <p>#6 - We like the language in 6c that clearly outlines the exception for visitation of the children so that children may still be included as protected parties on the RO at all times other than during specified court ordered visitation</p> <p>DV-102 & DV-260 CLETS: It's important to include a space for the protected person's address so that law enforcement knows where to send the Proof of Service form so the protected person has it for the hearing. It should include language that makes it clear to the protected person that s/he can use an agency address, a PO Box, or some other mailing address s/he picks up mail. It does not have to reveal her actual residential address (as some victims fear their law enforcement abusers may find them if they list their address anywhere - despite this form being</p>	<p>No response required.</p> <p>No response required.</p> <p>No response required.</p> <p>No response required.</p> <p>The committee agrees to include the protected person's mailing address as it is listed on the restraining order.</p>

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			<p>confidential).</p> <p>DV-105: Modify: May want to include County & State in the explanation for protected person so the court knows they still have jurisdiction for custody/visitation. They don't have to reveal their address or exact city.</p> <p>We like the language that explains the parent receiving custody should not remove the child from the state & we also like the language on the form that tells the parent they do not have to reveal their address - only state.</p> <p>DV-300: Modify: Instructions are not clear.</p> <p>DV-125 & DV-126: DO NOT AGREE. The reissuance should remain on a separate form and the continuance should remain as is and reflected on the DV-130. There is a high probability of confusion by law enforcement whether the protected person still has a valid RO, there may also be confusion with regards to valid Service of Process having been executed. We like our clients to walk away with an order that clearly shows they are still protected and outlines the protections and who is protected.</p>	<p>The committee notes that item 5 asks for the child's address which includes the city and state. The committee does not recommend adding more information to the form because it is already quite full.</p> <p>No response required.</p> <p>The committee agrees to clarify the purpose of the form and its use.</p> <p>The committee proposes two separate forms to request and order continuances and reissuances. The revised order form will take into account that both parties may ask for a continuance, which the commentator endorses, but also may be used by courts to order continuances and to reissue orders, on their own motion, without the need for a request form. Judicial officers indicate that having a form for this purpose would be very useful. Further discussion about this issue may be found in the report.</p> <p>The committee notes that item 5 on Form DV-130 includes an option date to return to court. That</p>

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			<p>DV-140: Modify: Should reflect a box to check reflecting language of Family Code Section 3044 so each Judge can address that issue and make the finding if they issue a RO and believe abuse has occurred to protect the children in the future.</p> <p>DV-130: Modify: #3 should state the protected person in 1 and others in 3 are protected by the provisions in #5 & #6 (not 6 & 7)</p> <p>Modify: #6 Language should be added to the exception to reflect that any orders on DV-140 are considered an exception, as well as any subsequent custody/visitation orders filed in the future, so long as they don't conflict with a criminal protective order. This will ensure that law enforcement knows the DV-140 orders attached are an exception so the kids can be protected at all other times if the victim desires AND so that if subsequent orders are made in the future, it is clear to law enforcement that the other parent can have visits with the children but at all other times the RO is in effect.</p>	<p>section was moved from the location found in the form as of January 1, 2011.</p> <p>Form DV-116 clearly states that it is a court order and that any orders previously issued remain in effect.</p> <p>The committee does not recommend adding the suggested text as a box item. Courts may add orders in the Other box as appropriate.</p> <p>The committee agrees to correct this typographical error.</p> <p>The committee does not recommend incorporating this suggestion. Child custody and visitation orders may be issued on general family law forms or on pleading paper. The exception in item 6 already indicates that the order for visitation is allowed unless a criminal protective order states otherwise.</p>

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			<p>Reduces likelihood of invalid violations.</p> <p>DV-130: DO NOT AGREE TO REMOVAL OF DV-170 Other Orders - that form is very useful and needed to incorporate orders at the hearing such as Judge ordering a written response filed and served by...or property return, exceptions, etc. Basically, that is a handy form to use to write out other orders and more space is needed than the one line on the proposed DV-130. Is it possible to make a list of common 'Other Orders' so that they can simply be checked off and leave space to write in uncommon orders.</p>	<p>The committee does not recommend incorporating this suggestion. However, the committee agrees to add another line to item 25 to provide more room for the court to add other order orders. Courts are free to add an attachment with other orders.</p>
17.	Orange County Bar Association John Hueston, President	A	<p>DV-110 and DV-130 forms: keep boxes for Judges to select if granted, denied, or not requested.</p> <p>Uniform CLETS form would be best to get information of restraining orders into system.</p>	<p>The committee prefers the use of three checkboxes on the temporary order to ensure that each requested order is considered and clearly addressed. Further explanation of the committee's recommendation is in the report.</p> <p>The committee agrees to recommend one universal CLETS Confidential Information form with a universal identifier.</p>
18.	Santa Clara County Bar Family Section Julie Saffren, Chair, Strategic Planning Committee	A	<p>COMMENT: Rule 5.381</p> <ul style="list-style-type: none"> OUR COMMITTEE'S CONCERN IS THAT WHEN A PERMANENT RO IS GRANTED, THE CUSTODY ORDERS ARE TYPICALLY CONTAINED IN DV-140 AS AN ATTACHMENT. THE RO MAY EXPIRE 	<p>The suggestion would require additional circulation for comment. The committee will consider the suggestion when the forms are next revised.</p>

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			<p>BUT DV-140's TERMS WOULD NOT. WE SUGGEST IT WOULD BE BETTER FOR CUSTODY AND VISITATION ORDERS IN ANY PERMANENT RO ORDER TO BE "FREE-STANDING". THUS, THEY ARE ISSUED AT THE SAME TIME AND SURVIVE THE EXPIRATION OF THE RO BUT CAPABLE OF STANDING ON THEIR OWN; THEY HAVE THEIR OWN FILING DATE. WE THINK ENFORCEMENT OF THE PROVISIONS OF AN ATTACHMENT THAT ARE STILL VALID WHEN THE ORDER ITSELF IS EXPIRED IS PROBLEMATIC.</p> <p>Universal Confidential CLETS form</p> <p>WE PREFERRED USING 1 FORM, NOT 6 VERSIONS. THE FORM WOULD NEED A GENERIC FORM NUMBER.</p> <p>Use of Granted/Denied/Not requested versus checking or not checking one box</p> <p>OUR COMMITTEE WAS EVENLY SPLIT ON THE PROS AND CONS OF THIS QUESTION. SORRY WE CANNOT BE OF ASSISTANCE.</p> <p>New form DV-300 (to notify CLETS of changes to RO)</p>	<p>The committee agrees to recommend one universal CLETS Confidential Information form with a universal identifier.</p> <p>The committee prefers the use of three checkboxes on the temporary order to ensure that each requested order is considered and clearly addressed. Further explanation of the committee's recommendation is in the report.</p> <p>The committee does not recommend Form DV-300 at this time. The form could prove beneficial</p>

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			<p>INSTRUCTIONS ARE CLEAR BUT FORM ASSUMES PEOPLE ARE ONLY REMOVED, NEVER ADDED TO THE ORDER AND THIS IS NOT THE CASE. THE “OTHER MODIFICATIONS” SECTION DOES NOT HAVE ENOUGH SPACE TO MODIFY AN ORDER FROM NO K TO PEACEFUL K. IF THAT IS HOW THIS FORM COULD BE USED, THEN INSTRUCTIONS NEED TO SPECIFY WHETHER AN AMENDED DV-130 SHOULD ACCOMPANY IT.</p> <p>Form DV-170 is revoked</p> <ul style="list-style-type: none"> • WE DISAGREE WITH REVOKING THIS FORM; IT IS USEFUL TO HAVE A CATCH-ALL FORM WHERE ADDITIONAL ORDERS CAN BE ADDED SINCE OFTENTIMES DVPA MATTERS NEED TO ADDRESS OTHER ISSUES TO A DEGREE. <p>Changes to Form DV-100</p> <ul style="list-style-type: none"> • OTHER COURT CASES: DOES NOT INCLUDE DOMESTIC PARTNERSHIP CASES <ul style="list-style-type: none"> • CHILD SUPPORT/SPOUSAL SUPPORT: NOT CLEAR ON WHEN FL-150 	<p>but requires substantial revision and additional review.</p> <p>The specific orders that were included on Form DV-170 were incorporated into Form DV-130. The committee agrees to add another line to item 25 to accommodate other orders. Court are free to attach additional pages to include other orders.</p> <p>The terms “Divorce, Nullity, and Legal Separation” apply equally to domestic partnerships and marriages. The term divorce is intended to be a plain language translation of the term dissolution.</p> <p>The use of Form FL-155 cannot be summarized as simply as suggested by the commentator. People who are self-employed are not eligible to use that</p>

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			<p>AND FL-155 IS NEEDED. SUGGEST THAT CHILD SUPPORT SECTION INSTRUCT TO FILL OUT FL-155 UNLESS ALSO SEEKING SPOUSAL, IN WHICH CASE, FILL OUT FL-150.</p> <p>Form DV-100 is not consistent with DV-101 (DESCRIPTION OF ABUSE)</p> <ul style="list-style-type: none"> DV-100 ASKS HOW DID PERSON ABUSE YOU; DV-101 ASKED WHAT MADE YOU AFRAID. WE FEEL DV-100 IS THE BETTER QUERY. <p>Form DV-130</p> <ul style="list-style-type: none"> NEW LANGUAGE FOR B&P CONTACT EXCEPTION (“PEACEFUL CONTACT WITH THE CHILDREN IN 3 FOR PURPOSES OF COURT ORDERED VISITATION IS ALLOWED) IS VERY GOOD. HOPEFULLY THIS WILL ELIMINATE JUDGES TAKING CHILDREN OFF THE RO AS PROTECTED PARTIES DUE TO PERCEIVED CONFLICTS WITH VISITATION ORDERS. THIS IS OFTEN A PROBLEM AND THIS IMPORTANT FORMS CHANGE, PLUS JUDICIAL EDUCATION, COULD SOLVE IT. 	<p>form. The committee recognizes that litigants may not understand which form to use without receiving further information but the committee does not propose adding the information to Form DV-100. Litigants will read the back of FL-155 to see if they qualify to use that form or seek assistance.</p> <p>The committee agrees to correct this typographical error.</p> <p>No response required.</p> <p>No response required.</p>

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			<p>Form DV-140 CHILD CUSTODY ORDER</p> <ul style="list-style-type: none"> • PLEASE CONSIDER HAVING A CHECK BOX FOR THE COURT TO MAKE A 3044 FINDING WHEN ISSUING A PERMANENT ORDER...CURRENTLY, THE FINDING GETS WRITTEN IN SOMEWHERE, OR IS MADE VERBALLY BUT NOT RECORDED. IF FORM DV-170 IS NOT REVOKED, WE COULD PUT IT THERE BUT THE BEST PLACE WOULD BE ON THE DV-140, ESPECIALLY SINCE IT IS SURVIVABLE. <p>NEW DV-700 REQUEST TO RENEW</p> <ul style="list-style-type: none"> • THIS IS A GOOD FORM BUT IT COULD BE BETTER. WHY DOES IT ASK HOW MANY TIMES THE ORDER HAS BEEN RENEWED? THAT IS NOT LEGALLY RELEVANT TO WHETHER THE VICTIM POSSESSES REASONABLE APPREHENSION OF FUTURE ABUSE IF THE ORDER IS NOT RENEWED. ALSO, THERE IS NOT MUCH ROOM FOR THE VICTIM TO EXPLAIN THE BASIS FOR RENEWAL. <p>NEW FORM DV-700 INFO</p> <ul style="list-style-type: none"> - THIS FORM SHOULD MENTION THAT AN ORDER MAY BE RENEWED FOR FIVE YEARS OR PERMANENTLY, PER STATUTE 	<p>The committee does not recommend adding a checkbox as requested. The court may include additional orders, if issued, in the Other box.</p> <p>The committee agrees to eliminate item 3(b) which asked how many times the order has been renewed.</p> <p>The committee understands that limited space on forms is a common problem.</p> <p>The committee agrees to revise item 3 as suggested.</p>

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			<p>- THIS FORM SHOULD MENTION THAT AN ORDER MAY BE RENEWED ABSENT A SHOWING OF ABUSE. IT WOULD BE HELPFUL TO PROVIDE INFORMATION REGARDING THE STANDARD SOMEONE MUST SHOW TO JUSTIFY RENEWAL UNDER RITCHIE V. KONRAD.</p> <p>- WHY MUST AN ORDER AFTER HEARING ON A RENEWAL BE PERSONALLY SERVED IF THE REQUEST TO RENEW WAS PERSONALLY SERVED? THIS IS NOT CONSISTENT WITH THE TRO/ORDER AFTER HEARING FRAMEWORK.</p> <p>NEW FORM DV-710</p> <p>- WE BELIEVE THE INFORMATION REGARDING SERVICE OF AN ORDER AFTER HEARING SHOULD BE CONSISTENT WITH DVPA ORDERS GENERALLY, AND AS LONG AS THE REQUEST FOR RENEWAL WAS PERSONALLY SERVED AND PROOF WAS PROVIDED TO THE COURT, IF THE RESTRAINED PARTY FAILS TO APPEAR, ORDERS MAY BE MADE AND THEY REQUIRE ONLY SERVICE BY MAIL.</p> <p>Thank you for your hard work on these complex revisions!</p>	<p>The committee prefers to keep the advisement as it is instead of including a more lengthy legal description. The interplay of the statute and case law is too complex for easy translation onto the form.</p> <p>The committee agrees to amend item 12 of Form DV-700-INFO to track the requirements of serving a restraining order after hearing.</p> <p>Form DV-710 prescribes service for the request. Personal service is required.</p>
19.	Sonoma County Bar Association,	AM	Dear Ms. Kieliger:	

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	Family Law Section Hon. James Bertoli		<p>On behalf of the Sonoma County Bar Association Family Law Section, I have been asked to submit for your consideration, the following comments relating to the proposed changes in the forms currently being utilized for applications, responses, and post-hearing orders under the Domestic Violence Prevention Act (herein “DVPA”).</p> <p>By way of background, I was requested to provide these comments by the Family Law Section as I have spent approximately the last seven years as the judge assigned to handle domestic violence cases in Sonoma County at both the criminal and/or civil level. Additionally, I have been and currently, I am charged with reviewing the vast majority of <i>ex parte</i> applications under the DVPA in our county.</p> <p>This response to the “Invitation to Comment” is organized by identifying the respective pages that each area of concern or comment is taken from. I would additionally preface these comments with the additional observation that I, and the Family Law Section, were extremely impressed with the proposed revisions as a whole. They are obviously much more “user friendly” which is vital in this area as almost all applications for temporary orders under the DVPA are submitted by self-</p>	

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			<p>represented litigants. Moreover, the level of organization of the new forms makes it much easier to review from the perspective of the judicial officer which is critical for these time-sensitive procedures.</p> <p style="text-align: center;">Our comments are as follows:</p> <p>Pg. 4</p> <p>The committee is seeking comment as to whether the CLETS forms should have one universal form or six separate forms for each type of civil protective order proceedings. While the initial reaction was that it should be one universal form, due to the forms having been revised so well, having a separate form for each type of proceedings (e.g., DVPA, Civil Harassment, etc.) will actually be less confusing for litigants than having a universal form, in our opinion.</p> <p>Pg. 7</p> <p>“Check boxes” are provided as to each requested order as follows:</p> <p style="text-align: center;">[] Not Requested [] Denied [] Granted as follows:</p> <p>We would suggest that a fourth box, “Granted as modified” be added along</p>	<p>The committee recommends the use of one universal CLETS Confidential Information form with a universal identifier for the reasons outlined in the report.</p> <p>The committee appreciates the difficulty of creating universal court forms that are flexible enough to accommodate the variety of needs presented in these matters. The committee does not propose adding a fourth checkbox and blank lines as requested as it would add considerably to the number of pages of the form. The committee often receives comment about the length of the</p>

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			<p>with space for hand written modifications to the order. This will provide the judicial officer with the ability to “fine-tune” the request so that it is appropriately tailored for the specific application.</p> <p>Pg. 10</p> <p>The forms are now generally titled “Request for Orders to Stop Domestic Violence”. We suggest that the current title of the application remain. The proposed title carries with it an implication that the orders will “stop” domestic violence. While we always hope that orders will be followed, the title may create a false sense of security in the victim at a time when they should be most alert.</p> <p>Pg. 12</p> <p>Item 9: This portion of the form describes that if the alleged victim identifies that the perpetrator has guns, they will be forced to turn them in. The wording as a tone that is concerning because this could, in some situations, lead to an alleged victim being hesitant to identify firearms because it could affect the livelihood of the perpetrator which, in turn, could subject the alleged victim to greater danger. Perhaps this</p>	<p>form and requests for it to be shortened. The committee appreciates the comment and suggests that the court note additional orders or modifications from the pre-printed text in item 21 or on an attachment.</p> <p>The committee recommends revising the title to respond to the commentator’s concern.</p> <p>The question provides information for the court; the litigant needs to be made aware of the automatic firearm restriction if, as the commentator notes, the restriction could place the person seeking the order in greater danger.</p>

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			<p>language is not needed specifically for the forms prepared by the applicant. The person who needs to have this information is the perpetrator first and foremost. Instead, this might be better placed in general information/instructions</p> <p>Item 14: Under the section “Property Control”, we would propose that a space be provided for the alleged victim to describe why they should be give control of the property. This is almost always missing in requests that our court fields which generally leads to the request for property control being denied at the <i>ex parte</i> stage due to the lack of any evidence to support the request.</p> <p>Pg. 22</p> <p>Under the checkboxes for the reason for denying the restraining order, we believe an additional checkbox should be added to address applications based upon stale facts. Sonoma County receives a sizeable amount of applications based upon things that have happened many months prior to the application and no emergency basis for ex parte orders exists. There should be a checkbox to address this issue also as</p>	<p>The committee will consider this request when the forms are next revised. The proposal would require the forms be circulated for comment.</p> <p>Family Code section 6300 authorizes the court to issue an order upon a showing of reasonable proof of a past act or acts of abuse. There is no statutory time limit. The committee does not propose adding a checkbox as requested.</p>

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			<p>it is a relatively common occurrence and should not have to be written out each time by the judicial officer.</p> <p>Pg. 25 For clarity, it is recommended that adding at the checkbox under Item 6a “Contact...” the word “text message” at the end of that sentence. This adds clarity to the order and leaves no question that texting is prohibited along with e-mails, etc.</p> <p>Pg. 34 The information form notes that domestic violence can be abuse or threats of abuse, yet does not say this under section “What are the legal requirements?” It should read “A person has been abused or threatened with abuse and...” Also, under section “What if I also have criminal charges against me?”, the last sentence should be revised to say “Anything you say or write, including in this case, can be used against you in your criminal case.” This makes the advisement much clearer.</p> <p>Pg. 55 On the page regarding “Proof of Personal Service”, we believe that the</p>	<p>The committee understands that there are numerous electronic ways to contact people. The committee proposes revising item 6(a) to state: “Contact either directly or indirectly, by any means, including, but not limited to, by telephone mail, e-mail, or other electronic means.”</p> <p>The committee agrees to incorporate the suggestion.</p> <p>The committee agrees to incorporate the suggestion.</p> <p>The committee notes that the warning not to serve the orders by mail appears under the mailbox with</p>

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			<p>paragraph describing personal service should include language stating that mailing the paperwork to the responding party is not sufficient. There is a drawing a mailbox with a universal circle with a slash through it, but we think it should be spelled out in the text of the paragraph as well.</p> <p>Pg. 70</p> <p>In the first highlighted box describing service of the order after hearing, it might be worthwhile to advise the victim to check with the courtroom clerk about services as some courts, including ours, have the bailiff serve the respondent, if present, before they leave court. We are also of the belief that service by the bailiff or court attendant upon the restrained party before they leave the courtroom should be recognized as a “best practice” through the State.</p> <p>Pg. 71</p> <p>This page describes locations a victim should keep their restraining order such as with them and a copy in a safe place. We would recommend language that a copy be kept in their vehicle(s) as well. Such a statement, we believe, enhances the ability of the victim to have their</p>	<p>a slash through it as well as under “Who can serve?”</p> <p>The committee will consider this suggestion when the forms are next revised. The committee is not aware that this practice, which is very helpful, is available in many courts. Thus, the requested advisement may be premature. The committee would like to seek public comment on the suggested text.</p> <p>The committee agrees to incorporate the suggestion.</p>

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			<p>order enforced.</p> <p>Pg. 84 In the instructions for serving the response, it should be changed to read “Have someone other than you-age 18 or older...” as this more correctly reflects the service of process requirements.</p>	<p>The committee agrees to incorporate this suggestion.</p>
20.	Fariba Soroosh, FLFO/SHC Supervising Attorney, Superior Court of Santa Clara County	N	<p>DV-112: FC 6320.5 does not specify whether the orders expire at cancellation or date of original hearing that when applicant chooses to waiver a hearing. The proposed form seems to have interpreted the section to indicate that the orders are effective until date of hearing, I disagree. This is going to be very confusing to the applicant, and responding party. It is much easier to understand that if you cancel your hearing you are cancelling all the orders that were granted. If the code provided a right to reinstate the orders prior to the hearing, this proposed language would make sense. But it does not so let's make simple for people to understand. Thanks.</p> <p>DV-126: For most cases, the Court reissues or continues the hearing from the bench at the hearing on the RO application. This is especially true where the case was continued to give responding party to file an answer and/or</p>	<p>The statute gives the applicant the right to waive his or her right to a noticed hearing. The statute does not address the situation when the court issues temporary orders pending the hearing, only when the court denies orders pending the hearing. Finally, the form is not new but has been in effect prior to this public comment cycle.</p> <p>Any temporary orders issued by the court may be terminated only by a subsequent court order. Should the litigant want the court to terminate any temporary orders, the litigant would need to petition the court. The statute specifies only that the litigant may cancel the order when the court denies requested ex parte orders.</p> <p>The form is amenable to use in either a written request or at the hearing. The court could issue Form DV-116 without receiving Form DV-115.</p>

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			<p>hire a lawyer, or complete his criminal court proceedings. This form should be re-drafted to be used in both situations (based on written request or at the hearing).</p> <p>Also, 3(b)(2) on this form and 4(b) on DV-125 is not a practical reason and I have never seen it happen in my 17 years as a family law attorney. The Court cannot and should not keep a DVTRO in place for duration of the mediation process based on an ex parte request (which is a way DV-125 can operate).</p> <p>DV-130: child support and spousal orders should not be attachments to this form but be prepared on a separate FOAH. The ROAH gets faxed and scanned into CCPOR and multiple copies are made for the protected party to keep in various locations for her protection. Including the child support order is not helpful to this procedure and may make it more confusing and cumbersome for all involved.</p>	<p>This section has been on the forms for many years. Court procedures vary by county. The committee does not recommend eliminating the section at this time.</p> <p>Form FL-342 is not a stand-alone form. Any revision would need to be circulated for public comment.</p>
21.	Tom Stabile, Attorney	AM	Eliminate Rule 5.381 so that parties that do wish to litigate support, etc. at any time must pay the appropriate filing fee.	The committee does not propose eliminating the rule as it provides guidance to the courts as to how to process child custody and visitation modification requests. The rule does allow for a motion filing fee.
22.	State Bar of California, Family Law Section Saul Bercovitch, Legislative Counsel	AM	<p>A. <u>DV-110</u> Notice of Court Hearing:</p> <p>1. Item 12 should be modified to include the prohibition that</p>	The committee agrees to revise the form as suggested.

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			<p>children may not be removed from California pending a hearing.</p> <p>B. <u>DV-126</u> Order for New Hearing Date on Request for Continuance or Reissuance:</p> <p>1. Item 3a should be modified to include reasons for the denial, similar to item 4b of DV-109.</p> <p>C. <u>DV-140</u> Child Custody and Visitation Order:</p> <p>1. This form can be attached to a DV-130 and thus, it should not contain language prohibiting the removal of children from the state pending the hearing as it will cause confusion and directly conflict with other orders.</p> <p>D. <u>DV-730</u> Order to Renew Restraining Order:</p> <p>1. Item 4(b) should be modified to include a line that states the date of the orders that</p>	<p>The committee does not recommend incorporating this suggestion because the reasons for denial found in Form DV-109 are different than the reasons that might apply to a request for reissuance or continuance. The committee agrees to add a blank line for the court to indicate the reasons for denial.</p> <p>The committee agrees to revise the form as suggested.</p> <p>The committee notes that there may have been interim modifications to child custody and visitation orders, not the restraining order. The committee prefers the current reference that identifies the date of issuance of Form DV-130. If the restraining order was modified, it would have a new issuance date that would be referenced at</p>

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			<p>What if I don't have a green card? The order is valid even if you are not a U.S. citizen If Form DV-120-INFO page 3. Information for leaving county or state is unclear and will lead to confusion. It would be helpful instead for example to answer "If item 7 on the DV-140 contains orders regarding not leaving the county or state you must obey them." Same goes if there is a DV-145.</p> <p>What if I want to leave the county The restraining order works anywhere in th Form DV-600 Page 2 is signed by the judge making the registration an order. Shouldn't that be reflected in the title of the document? Register Out-of State or Tribal Court Protective/Restraining Order <i>and Order</i>.</p> <p>Form DV-700 #4 It might be confusing for customers and some Judicial Officers to have #4 require the protected person provide more information regarding the need for the renewal given FC 6345(a) states ". . .These orders may be renewed, upon the request of a party, either for five years or permanently, without a showing of any further abuse since the issuance of the original order,. . ."</p>	<p>The advisement is intended to restate Family Code section 3063 which attaches upon issuance of an ex parte restraining order. The committee agrees to clarify the advisement.</p> <p>The committee recommends revising the title to: "Order to Register Out-Of-State or Tribal Court Protective/Restraining Order"</p> <p>Case law has elaborated on the showing necessary for the court to renew a restraining order. The committee does not recommend revising the form as indicated because it does not reflect case law.</p>
24.	Superior Court of Contra Costa	NI		

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	Commentator	Position	Comment	Committee Response
	County Kathleen Shambaugh, Business Operations Administrator		<p><u>Form DV-102</u>: this form should be a separate form in the DV group of forms; litigants may not be able to locate a universal CLETS form. They may miss that form if it is not in the DV group.</p> <p><u>DV-110</u>: TRO's are easier to read and understand when there is one checkbox, rather than the 3 boxes for "granted, denied, or not requested." This applies to law enforcement, the parties and the bench officers.</p>	<p>The committee recommends one universal CLETS Confidential Information form with a universal identifier for the reasons indicated in the report.</p> <p>The committee prefers the use of three checkboxes on the temporary order to ensure that each requested order is considered and clearly addressed. Further explanation of the committee's recommendation is in the report.</p>
25.	Superior Court of Los Angeles County	AM	<p><input checked="" type="checkbox"/> Agree with proposed if changes if modified</p> <p>Comments: Would ask that proposed rule 5.381 address when cases would be eligible for destruction since custody, visitation and support orders made under DVPA will survive the expiration of the protective order.</p> <p>On the DV-100 form, on page 4 number 24, the following edition is suggested: "To the Person in 1"</p> <p>As to the specific comments requested, I prefer the three boxes on the DV-110 of <input type="checkbox"/>Not Requested <input type="checkbox"/>Denied <input type="checkbox"/>Granted, and the single</p>	<p>The committee agrees to recommend that the rule specify the retention period for child custody, visitation and support orders filed in a DVPA case be that of family law orders generally under Government Code section 68152(a)(5) (30 years)?</p> <p>The committee does not recommend this suggestion. The form is worded throughout in the first person. All of the items are addressed to the person seeking the order (the person in (1)). Adding the suggestion just to item 24 might cause confusion.</p> <p>The committee prefers the use of three checkboxes on the temporary order to ensure that each requested order is considered and clearly</p>

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	Commentator	Position	Comment	Committee Response
			<p>box on the DV-130;</p> <p>The court agrees with the use of the DV-300; and</p> <p>On the Confidential CLETS form, the information being entered into CLETS (CCPOR) is identical for most case types; so one universal form could be used. In addition, it is helpful to get the protected persons physical address versus a mailing address for jurisdiction purposes.</p>	<p>addressed. Further explanation of the committee's recommendation is in the report.</p> <p>The committee does not recommend Form DV-300 at this time. The form could prove beneficial but requires substantial revision and additional review.</p> <p>The committee recommends one universal CLETS Confidential Information form with a universal identifier for the reasons indicated in the report.</p>
26.	Superior Court of Monterey County Minnie Monarque, Director of Civil & Family Law Division	N	<p>Rule 5.381: These provisions remove from the court the discretion to require the parties to file a regular Domestic Relations or Parentage action case. By keeping these issues in the framework of a Domestic Violence matter, the entire tenor of how the case is addressed within the court as well as by the parties is altered, and not to the benefit of the litigants or to minor children, even after the restraining orders have expired. Such a decision should remain within the sound discretion of the court to determine whether a domestic relations or parentage action case should be filed and the domestic violence case be consolidated within it. The framework of the rules as recited also appear to create a financial incentive to the litigants to keep the matter in a domestic violence framework, such</p>	<p>The committee recommends revising the rule to allow the court to open a separate case file.</p> <p>Family Code section 6222 states that there is no filing fee for an application, a responsive pleading, or an order to show cause that seeks to obtain, modify, or enforce a protective order or other order authorized by the DVPA when the request for the other order is necessary to obtain or give effect to a protective order. The parties request to modify child custody or visitation orders may be necessary to give effect to a protective order.</p>

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	Commentator	Position	Comment	Committee Response
			<p>than any further action would never allow the requirement of either a first appearance fee for the entry of a judgment or a filing fee for the modification of orders, regardless of how long expired the domestic violence order has been.</p> <p>Forms Revisions:</p> <p>5) Rearranging the item numbers so that they track consistently among the five major restraining order form groups is helpful to both the court and the litigants.</p> <p>6) As to Item 1 in the five major form groups, or any other forms where this is relevant, the attorney’s information should go after the party’s information (i.e. after the party’s address & phone number). It is too confusing to insert the attorney’s information between the party’s name and their address & phone number.</p> <p>7) The court finds the checkboxes in DV-110 helpful and would like to see them implemented in DV-130 as well for consistency.</p> <p>DV-102 (CLETS Form):</p> <p>1) There should be a universal form with a universal designator.</p> <p>2) Take out the “optional” language regarding the telephone number of the protected party and include their</p>	<p>No response required.</p> <p>The committee recommends consolidating the address information so that it fits in the space, is understandable and and so it is amenable to electronic data management systems.</p> <p>The committee prefers the use of three checkboxes on the temporary order to ensure that each requested order is considered and clearly addressed. Further explanation of the committee’s recommendation is in the report.</p> <p>The committee recommends one universal CLETS Confidential Information form with a universal identifier for the reasons indicated in the report.</p> <p>The committee recommends including the address and telephone as optional items for the reasons indicated in the report.</p>

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			<p>address. This information is needed in order to communicate with the protected party.</p> <p>3) It is proposed that there be a place for the party filing out the form to date and sign the form, so that confusion as to which iteration of the form is most current is avoided.</p> <p>4) There should be language added with checkboxes as to whether the party or law enforcement will be serving the papers.</p>	<p>The committee agrees to add a date at the top of the form.</p> <p>Commentator does not indicate why this would be helpful. Practices vary around the state and the party may not yet know the means of service.</p>
27.	Superior Court of Orange County Linda Daeley, Family Law Division Manager	AM	<p>COMMENT: Form DV-100</p> <ul style="list-style-type: none"> • Item 14, add language “I ask for control of this property because” and add line for response • Item 15, add language “I ask for this debt payment because” and add line for response <p>Form DV-102</p> <ul style="list-style-type: none"> • We agree that there should be one 	<p>The committee will consider this request when the forms are next revised. The revision would require considerable changes to other item numbers and movement of a notice to another form. This level of revision would require that the forms be circulated for comment.</p> <p>The committee will consider this request when the forms are next revised. The revision would require considerable changes to other item numbers and movement of a notice to another form. This level of revision would require that the forms be circulated for comment.</p> <p>The committee recommends one universal</p>

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	Commentator	Position	Comment	Committee Response
			<p>universal CLETS information form</p> <ul style="list-style-type: none"> We agree that there is no problem with including the address of the protected party on the form <p>Form DV-105</p> <ul style="list-style-type: none"> Item 5 is confusing the way it is written. Change title to read “Child 3a’s Address.” In first line of instructions below title, remove space between 3 and a. Also in column header that reads Child 3a lived with remove space between 3 and a. In language regarding instructions for attaching a sheet for more space instruct to title the paper as “DV-105, Child 3a’s Address” Item 11, end of lines a and b should read “takes children...” <p>Form DV-110</p> <ul style="list-style-type: none"> Item 3, should read “...as indicated in items 6 and 7...”; the reference to item 5 is incorrect. Instruction title on page 4 under warnings and notices should read “You Cannot Have Guns, Other Firearms or Ammunition” to be consistent with forms and statute. <p>Form DV-112</p> <ul style="list-style-type: none"> In the final bullet under instructions to the person in 1 and also in final sentence of last 	<p>CLETS Confidential Information form with a universal identifier for the reasons indicated in the report.</p> <p>The committee agrees to adjust the spacing between the (3) and “a” for clarification.</p> <p>The sentence reads “I ask the court to order that [Mom]... take children to the visits.” It is appropriate for the word “take” to be singular in this context.</p> <p>The committee agrees to correct this typographical error.</p> <p>The committee agrees to incorporate the suggestion.</p> <p>The committee does not agree to change the word as suggested because Form DV-109 and Form DV-110 use the term hearing date. Many litigants</p>

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			<p>paragraph, hearing date should be changed to expiration date to be consistent with the orders on DV-110.</p> <p>Form DV-120</p> <ul style="list-style-type: none"> • Item 3, first bullet should read “Fill out this form and take it to the clerk’s office.” Also last sentence in box should be the same language as is on DV-109. Replace last sentence with the following: “If you do not come to this hearing, the court may make restraining orders against you that could last up to five years.” The reference in this box is to DV-110, temporary orders, a period longer than 5 years is not relevant. • Item 9 title should read “Turn In Guns, Other Firearms, or Ammunition” <p>Form DV-120-INFO</p> <ul style="list-style-type: none"> • “What if I have a gun” should include “ammunition” • On page 3, in the answer to Can I use the restraining order to get divorced..., replace last sentence with “The court staff can tell you where to get legal help” this should be inclusive of self-help, facilitator, etc. <p>Form DV-125</p> <ul style="list-style-type: none"> • On page 2, under Need help?, replace “court clerk” with “court staff” <p>Form DV-126</p>	<p>using Form DV-112 will not have Form DV-110 because no temporary orders were issued.</p> <p>The committee agrees to incorporate the suggestions.</p> <p>Family Code section 6389 requires relinquishment of firearms, not ammunition.</p> <p>The committee agrees to incorporate the suggestion.</p> <p>The committee does not recommend changing the reference as indicated because litigants may not know who is meant by “court staff.”</p> <p>The committee does not recommend changing the reference as indicated because litigants may not know who is meant by “court staff.”</p>

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			<ul style="list-style-type: none"> • Item 3a should read "...will end on the expiration date listed on that order." <p>Form DV-130</p> <ul style="list-style-type: none"> • Item 3, should read "...are protected by temporary orders as indicated in items 5 and 6 7..." • Item 4, remove last sentence of third bullet; "usually end when the child is 18" is misleading and will cause problems on 18th birthday and child is still in high school. • Item 5, in the last paragraph remove the word "temporary" • On page 5, last line should read "The orders end on the end expiration date in item 4 on page1. If no end expiration date is listed..." the forms all refer to this date as an "expiration" date, not an "end" date, they should be consistent. <p>Form DV-140</p> <ul style="list-style-type: none"> • Item 7, change item b to c, and insert new item b which reads "The United States of America" <p>Form DV-145</p> <ul style="list-style-type: none"> • Item 5, insert new checkbox after California which reads "The United States" <p>Form DV-200-INFO</p>	<p>The committee agrees to incorporate the suggestion.</p> <p>The committee agrees to correct this typographical error.</p> <p>The committee has discussed this sentence and prefers to keep it in the order. It provides notice to the respondent that the orders may last a long time.</p> <p>The committee agrees to correct this typographical error.</p> <p>The committee agrees to incorporate the suggestion.</p> <p>.</p> <p>The committee agrees to incorporate the suggestion.</p> <p>The committee agrees to incorporate the suggestion.</p>

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			<ul style="list-style-type: none"> • In third sentence of first paragraph under What is service, quotation marks need to be moved. The sentence should read as follows: This form is about personal or “in-person” service. <p>Form DV-300</p> <ul style="list-style-type: none"> • Item 4, rather than have party specify form that is attached, allow limited selections by inserting the following check-box selections: DV-140, DV-145 and DV-150 <p>Form DV-500-INFO</p> <ul style="list-style-type: none"> • On page 1, in the third paragraph in right column under How do I ask for a DV Restraining Order, the language be consistent throughout, and should read “After completing the forms, give them to the clerk of the court. • On page 3, under Can I use the restraining order to get divorced..., the final sentence should read “The court clerk can tell you...” • On page 3, under What if I want to leave..., the first sentence should read “Your restraining order is valid anywhere...” • On page 3, under Need more information? The first sentence should read “Ask the court clerk about free...” <p>Form DV-505-INFO</p> <ul style="list-style-type: none"> • Item 5, the last sentence of third paragraph should read “...will end on the 	<p>The committee agrees to incorporate the suggestion.</p> <p>The committee does not recommend the form at this time.</p> <p>The suggested text already appears on the form. The committee is uncertain what is meant by the comment.</p> <p>The committee agrees to incorporate the suggestion.</p> <p>The suggested text already appears on the form. The committee is uncertain what is meant by the comment.</p> <p>The committee agrees to incorporate the suggestion.</p> <p>The committee does not agree to change the word as suggested because Form DV-109 and Form DV-110 use the term hearing date. Many litigants</p>

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			<p>hearing expiration date.”</p> <ul style="list-style-type: none"> • Item 10, the first sentence should read “Ask the court clerk about free...” <p>Form DV-520-INFO</p> <ul style="list-style-type: none"> • On page 1, 4th bullet under Be Prepared, the last sentence should read “...or a sheet of paper titled Declaration.” • On page 3 under Need help? the first sentence should read “Ask the court clerk about...” <p>Form DV-530-INFO</p> <ul style="list-style-type: none"> • Final section should be titled Guns, Other Firearms or Ammunition <p>Form DV-700-INFO</p> <ul style="list-style-type: none"> • Item 1 in the first and second bullet, end date should be replaced with expiration date. • Item 10, the first sentence in the third bullet should read “Take the original and the copies to the court clerk at least...” • Item 13, the first sentence in the second bullet should read “...and the copies to the court clerk. <p>Form DV-710</p> <ul style="list-style-type: none"> • Item 4, in the section to the person in 1, the first sentence should read “...with the court 	<p>using Form DV-112 will not have Form DV-110 because no temporary orders were issued.</p> <p>The suggested text already appears on the form. The committee is uncertain what is meant by the comment.</p> <p>The committee agrees to incorporate the suggestion.</p> <p>The suggested text already appears on the form. The committee is uncertain what is meant by the comment.</p> <p>The committee agrees to incorporate the suggestion.</p> <p>The committee agrees to incorporate the suggestion.</p> <p>The suggested text already appears on the form. The committee is uncertain what is meant by the comment.</p> <p>The suggested text already appears on the form. The committee is uncertain what is meant by the comment.</p> <p>The suggested text already appears on the form. The committee is uncertain what is meant by the comment.</p>

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			<p>clerk.”</p> <p>Form DV-720</p> <ul style="list-style-type: none"> In first bullet under Use this form to respond..., the sentence should read “Fill out this form and then take it to the court clerk. <p>Form DV-730</p> <ul style="list-style-type: none"> Item 4b, second box should read “permanently” The wording “The attached order will expire at” should be included inside the box with the time and date of expiration. Also the date should be listed first, followed by the time to make it more clear. <p>Multiple Forms:</p> <ul style="list-style-type: none"> Throughout forms DV-100, DV-120-INFO, and DV-500-INFO corrections are needed as follows: grandparent is one word and should not have a space, grandchild is one word and should not have a space, and step-parent is a hyphenated word. Also, “visitation” should be replaced with “parenting time” throughout forms DV-100, DV-105, DV-110, DV-120, DV-130, DV-140, DV-145, DV-150, and DV-520-INFO On forms DV-109, DV-110, DV-500-INFO, DV-505-INFO, DV-520-INFO, DV-530-INFO, DV-700-INFO, and DV-710 “judge” should be replaced with “judicial officer”. The forms are inconsistent. 	<p>The suggested text already appears on the form. The committee is uncertain what is meant by the comment.</p> <p>The committee agrees to correct this typographical error.</p> <p>The committee agrees to incorporate the suggestion.</p> <p>The committee defers to the copyediting staff and AOC style guide for standard conventions and spelling.</p> <p>The statute uses the term “visitation” so the committee recommends that the forms use the statutory term.</p> <p>The committee has considered this issue at length during previous revisions. The term “judge” is more appropriate as a plain language translation of “judicial officer” for instructions for litigants. The signature page must remain “judicial officer”</p>

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			<ul style="list-style-type: none"> On forms DV-110, DV-130, and DV-600 where the signature line reads “Judge/Judicial Officer,” it should instead read “Judicial Officer.” The use of “court clerk” in the all of the forms should be changed to a generic reference; we are concerned that this might be interpreted as meaning a courtroom clerk, when it could be a person in the clerk’s office, the self-help center, DV assistance offices, etc. Throughout the Judicial Council forms it is referenced in different ways: court clerk; clerk of the court; court clerk’s office; clerk’s office. 	<p>to reflect that commissioners and other judicial officers sign the orders.</p> <p>Because of the importance of these forms, the committee recommends that the current language remain. It is possible that some law enforcement officers recognize the term “judge” but not “judicial officers.”</p> <p>The terms are different, depending on the context. The committee recommends consistency whenever appropriate.</p>
28.	Superior Court of Orange County, Family Law Judicial Panel	AM N – DV-130	<p>Comments:<u>DV-120-Info</u>: 1. Under What if the legal requirements are not met?-Add “Private Post-Secondary School Violence”.</p> <p><u>DV-130</u>: 1. Remove the word “...temporary...” in first sentence under Additional Protected Persons. This is the Restraining Order After Hearing, not the Temporary Restraining Orders. 2. Page 2, under To the person in 2: remove the word “...temporary...”</p>	<p>The committee does not recommend adding this type of restraining order as its use is limited to the chief administrative officer of the school and could therefore cause confusion.</p> <p>The committee agrees to correct this typographical error.</p>

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			<p><u>DV-300</u>: 1. Why are we creating a Form for use “...only to notify the CLETS of certain changes to Form DV-130” when we must still issue an amended DV-130 when a change to the Restraining Orders is made?!! This is a totally unnecessary step. The operative Restraining Order After Hearing (DV-130) is what must control under the DVPA. If changes are made to the Restraining Orders After Hearing, we MUST still amend the DV-130. And if this Form is solely for CLETS input, why is it for the parties? The parties get the amended DV-130.</p> <p>2. Under section 7a-This instruction is inconsistent with page 2, sections 9b & c. While 7a tells the parties that service is not necessary for this Order to be effective; but at sections 9b & c, it says that they “MUST” serve the non-appearing party. And this is a misstatement of the Law. An amended DV-130 must be served on the Respondent. And any Order within this Form DV-300, is, by definition, an amendment to DV-130 Orders.</p> <p>Suggest removing 7a completely. Suggest this Form is unnecessary in its entirety.</p> <p><u>DV-500-Info</u>: 1. Page 2, under Do I need to bring a witness to the court hearing?-This section should indicate that photos, medical or police reports, threatening letters, e-mails, or</p>	<p>The committee does not recommend Form DV-300 at this time. The form could prove beneficial but requires substantial revision and additional review.</p> <p>The committee considered the suggestion when the text was added some years ago. It is difficult to explain what the rules of evidence are in a brief form. No revisions to this section were proposed</p>

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			<p>telephone messages might not be allowed into evidence or considered by the judge, because rules of evidence apply in a Domestic Violence Restraining Order Hearing.</p> <p><u>DV-520-Info</u>: 1. Page 2, under The judge will decide-1st paragraph, 2nd sentence says “<i>Safety concerns about the financial needs of the person asking for protection will also be considered.</i>” What does that mean????</p> <p>2. Under What about child custody or visitation?-1st sentence says “...<i>the judge will send you to mediation.</i>” If there are no contact and stay away orders, there can be no order to mediation. Furthermore, the dynamics of Power and Control in the DV situation (taught by CJER routinely) will not allow a mediation process to occur. This is a flat out misstatement of what occurs in a DV case; or what any DV training would ever recommend. Suggest removing this sentence entirely.</p>	<p>during this public comment cycle and the issue has received comment in the past. Therefore, the committee will consider this suggestion when the form is next revised.</p> <p>This text is required under Family Code section 6341(c).</p> <p>The statute requires a referral to Family Court Services. The committee recommends revising the form to use the term “Family Court Services” instead of “mediator” to reflect Family Code section 3183(a) as amended January 1, 2011 under Assembly Bill 939.</p>
29.	Superior Court of Orange County Criminal Division Managers	AM	<p>Agree with proposed changes with the following, additional recommendations:</p> <ul style="list-style-type: none"> • Form DV-110- Line #3 Additional protected persons – Add “DOB” • Form DV-200- Line #6 Servers information, add “Agency ID #” and “Served agency name” 	<p>The committee does not recommend adding the DOB as it is not statutorily required and can lead to further stalking or abuse.</p> <p>The committee does not recommend adding the requested information because many servers are private individuals. They could be confused by a prompt for an agency ID or name. Registered</p>

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				process servers are required to provide their registration number.
30.	Superior Court of Riverside County, Staff Michael Cappelli	AM	<input checked="" type="checkbox"/> Agree with proposed if changes if modified Comments: Would ask that proposed rule 5.381 address when cases would be eligible for destruction since custody, visitation and support orders made under DVPA will survive the expiration of the protective order. On the DV-100 form, on page 4 number 24, the following edition is suggested: “To the Person in 1” As to the specific comments requested, I prefer the three boxes on the DV-110 of <input type="checkbox"/> Not Requested <input type="checkbox"/> Denied <input type="checkbox"/> Granted, and the single box on the DV-130; The court agrees with the use of the DV-300; and On the Confidential CLETS form, the	The committee recommends revising the rule to specify that the retention period for child custody, visitation and support orders filed in a DVPA case be that of family law orders generally under Government Code section 68152(a)(5) (30 years) or something else? The committee does not recommend this suggestion. The form is worded throughout in the first person. All of the items are addressed to the person seeking the order (the person in (1)). Adding the suggestion just to item 24 might cause confusion. The committee prefers the use of three checkboxes on the temporary order to ensure that each requested order is considered and clearly addressed. Further explanation of the committee’s recommendation is in the report. The committee does not recommend Form DV-300 at this time. The form could prove beneficial but requires substantial revision and additional review. The committee recommends one universal

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			information being entered into CLETS (CCPOR) is identical for most case types; so one universal form could be used. In addition, it is helpful to get the protected persons physical address versus a mailing address for jurisdiction purposes.	CLETS Confidential Information form with a universal identifier for the reasons indicated in the report.
31.	Superior Court of Sacramento County Rebecca Reddish, Business Analyst	NI	<p>Global comments:</p> <ol style="list-style-type: none"> 1. Eliminate the use of contractions, don't, weren't, haven't, etc 2. There are many references in these forms to attaching additional pieces to paper. The forms have been made incredibly long and yet, we are still asking for more information through attachments. 3. Delete reference to CLETS in the info sheets. The public does not need to advise the court of the internal process. 4. Change the word "police" to "law enforcement agency" 5. Where existing JC forms read "the court" these forms read "the court clerk". Recommendation: remove "clerk" and return to using "the court" 	<p>The plain language style differs from the formal style in that contractions are allowed when the enhance readability by the average lay person. Contractions are typically found only in the information sheets, not in the court orders.</p> <p>The committee appreciates that the forms are long, yet they reflect the many remedies available in the statute.</p> <p>The information tells litigants about the state database which helps them understand why law enforcement might be aware of the order.</p> <p>The term "police" is generally used in the information sheets, not in the court order. It is intended to be more informal and readable by the average lay person.</p> <p>There are instances where the term "court" is preferable because it refers to staff other than the court clerk who are completing a certain task. The committee recommends that, where appropriate, the term "court clerk" be used instead of "court."</p>

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	Commentator	Position	Comment	Committee Response
			<p>5. Change the word "write" to "print".</p> <p>6. Delete reference to "24 hours" or "next business day" for judge determination</p> <p>7. Reference to "Person to be Protected" and "Person to be Restrained" various between forms. Recommend a consistent descriptor.</p> <p>8. Change word: lawyer to attorney</p> <p>Global comment: "Attach a sheet of paper and write..." is referenced throughout the documents. This will result in multiple attachments to a single petition. People will not know they can attach one paper for all notes. Recommendation: Add more comment lines to reduce the need to ask for an attachment.</p> <p>Global comment: Change "write" to "print"</p> <p>Global comment: Change "police" to "law enforcement agency"</p> <p>RULE 5.381 "The rule would specify that the</p>	<p>The committee prefers the term "write."</p> <p>The phrase restates the law and informs the litigant when they can expect to receive the order.</p> <p>The terms vary with the purpose of the form. Prior to an order, the person seeking the order is the "Person to be Protected." After a restraining order is issued, the person seeking the order is the "Protected Person."</p> <p>The term "lawyer" is more easily understood by a lay audience.</p> <p>The committee appreciates the problem of multiple attachment sheets. However, adding multiple blank lines to the form will result in adding additional pages to the form that might not be necessary for many people. On balance, the committee favors the use of attachments for overflow text.</p> <p>Same as above.</p> <p>Same as above.</p> <p>No response required.</p>

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	Commentator	Position	Comment	Committee Response
			<p>court may not require a party to file a new case to request a modification to a child custody, visitation or support order.” Comment: New filings would drop for other family law case types along with the associated fees.</p> <p>RULE 5.381 “The filing fee, if charged, would be that which is charged for a motion, application, or any other paper requiring a hearing after the first paper.” Comment: This is a difficult standard and burdensome to the staff to track the expiration date of DV order. This gives each court permission to determine if and when filing fees will apply.</p> <p><i>Request to Continue Court Hearing or Reissue Temporary Restraining Order, and Order for New Hearing Date on Request for Continuance or Reissuance (forms DV-125 and DV-126)</i> Comment: Change title of form DV-125 to: Request an Order to Continue Court Hearing or Reissue Temporary Restraining Order Combine forms DV-125 & DV-126</p>	<p>Courts are not required to charge filing fees. The rule specifies the filing fee, if the court chooses to impose one.</p> <p>The maximum space for the title is two lines. The suggested text would not fit in the space available.</p> <p>The committee proposes two separate forms to request and order continuances and reissuances. The revised order form will take into account that both parties may ask for a continuance, which the commentator endorses, but also may be used by courts to order continuances and to reissue orders, on their own motion, without the need for a</p>

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			<p>DV-100 (1) Name of person asking for protection: Comment: Person to be Protected</p> <p>DV-100 (1) Your Age: Comment: Change “Your Age” to “Your DOB”</p> <p>DV-100 (2) Name of person you want protection from: Comment: Change to: Person to be Restrained</p> <p>DV-100 (3) <i>“Check here if you need more space. Attach a sheet of paper and write “DV-100, Protected People” for a title.</i> Comment: change word: write to print</p> <p>DV-100 (4) <i>If you do not have one of these relationships, the court will not be able to consider your request. Read DV-500-INFO for help.</i> Comment: This box is crammed into this space. Recommend: The box either be set apart or incorporate the language below the question.</p>	<p>request form. Judicial officers indicate that having a form for this purpose would be very useful. Further discussion about this issue may be found in the report.</p> <p>The person may not end up being protected by an order; therefore the title must remain as it is.</p> <p>There is no statutory requirement to include the DOB. That information is found on the CLETS Information Sheet, a confidential form, because the information could lead to further stalking or abuse.</p> <p>The person may not end up being restrained by an order so the title must remain as it is.</p> <p>The committee prefers the word “write.”</p> <p>The form is quite full and there is no other location for the box. The committee proposes to clarify the information by eliminating the specific names of step and in-law relations in favor of a checkbox and blank line for the litigant to indicate the step or in-law relationship. This will clear up the space and allow for more white space on the form.</p>

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	Commentator	Position	Comment	Committee Response
			<p>DV-100 (4) e Comment: What about step brother, step sister, step-grandparent, half brother, half sister or adopted child? Recommend: Adding a check box for "step" and allow party to complete the relationship</p> <p>DV-100 (5) Comment: Guardianship not listed, it's a common case and involves children. Suggestion: add Guardianship</p> <p>DV-100 (5) <i>Check here if you need more space. Attach a sheet of paper and write "DV-100, Other Court Cases" for a title.</i> Comment: change word: write to print</p> <p>DV-100 (5) b Comment: Delete reference to "if you have one". Do not encourage people not to comply. They will state they can't find a copy.</p> <p>DV-100 (6) b <i>The person in 2 will be ordered not to take any action to get the addresses or locations of any protected person, their family members, caretakers, or guardians unless the court finds good cause not to make the order.</i> Comment: Begin sentence with "if approved", the person in...</p>	<p>The committee proposes to clarify the information by eliminating the specific names of step and in-law relations in favor of a checkbox and blank line for the litigant to indicate the step or in-law relationship.</p> <p>There is no more space on the page to add another case type.</p> <p>The committee prefers the word "write."</p> <p>The committee does not propose revising the text because it could discourage litigants from seeking a necessary order.</p> <p>This text is a typographical error and will be eliminated to comply with amended Family Code section 6322.7. The "good cause" provision is stated in the negative in the statute.</p>

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			<p>DV-100 (9) <i>If the judge approves the order, the person in 2 will be required to sell to a gun dealer or turn in to police any guns or firearms that he or she owns or possesses.</i> Comment: Change word "police" to "law enforcement agency"</p> <p>DV-100 (21) <i>Check here if you need more space. Attach a sheet of paper and write "DV-100, Other Orders" for a title.</i> Comment: change word: write to print</p> <p>DV-100 (24) The court will schedule a hearing on your requests Comments: This first sentence: The court will... implies denying without a hearing is not an option. It should read "The court may...". The word "requests" should not be plural. Change to "request"</p> <p>DV-100 (24) If the judge does not make the orders effective right away, you can ask the court to cancel the hearing and your case will end. Comment: This statement " you can ask the court to cancel..." is not correct. Recommendation: Advise person to file the form to cancel hearing.</p>	<p>The committee agrees to incorporate this suggestion.</p> <p>The committee prefers the word "write."</p> <p>The committee considered the wording of this section carefully when it recommended it to the Judicial Council several years ago. It was distributed for public comment and considered by the various committees at that time before the Council approved it. The committee will consider the suggestion when the forms are next revised as this is a controversial issue and would require a request for public comment.</p> <p>The phrase is followed immediately by a reference to the applicable form, Form DV-112. The committee is uncertain what more the commentator suggests.</p>

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			<p>DV-100 (25) C Comment: change word: write to print</p> <p>DV-100 (25) f Comment: Change word "police" to "law enforcement agency"</p> <p>DV-100 (25) f Comment: Delete reference "if you have one". Do not encourage people not to comply. If they can't find the copy they will tell us.</p> <p>DV-100 (25) g Comment: Remove "(or your children)" and replace with "(those in 3)"</p> <p>DV-100(25) g Comment: Many references to attaching paper. However, it implies to attach a new piece of paper for each item. The form is already 5 pages long, and yet we invite the person to attach more paper.</p> <p>DV-100 signature lines: Comment: Change "lawyer" to "attorney"</p> <p>DV-101 Comment: Remove checked box.</p>	<p>The committee prefers the word "write."</p> <p>In this context, the term "law enforcement agency" would be confusing because the agency does not come to the scene, just one officer.</p> <p>The committee does not propose revising the text because it could discourage litigants from seeking a necessary order.</p> <p>The committee does not propose revising the text as indicated because Family Code section 6211(d) authorizes a restraining order to protect a child of the parties. Item 26 allows the litigant to indicate why other persons need an order for protection.</p> <p>The committee appreciates the problem of multiple attachment sheets. However, adding multiple blank lines to the form will result in adding additional pages to the form that might not be necessary for many people. On balance, the committee favors the use of attachments for overflow text.</p> <p>The term "lawyer" is more easily understood by a lay audience.</p> <p>The committee agrees to incorporate this</p>

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			<p>There's no need to have a checked check box.</p> <p>DV-101 (1) Comment: Change to: Person to be Protected</p> <p>DV-101 (2) Comment: Change to: Person to be Restrained There is also a PDF formatting issue</p> <p>DV-101 (3) f Comment: Global comment: Change "police" to "law enforcement agency"</p> <p>DV-101 (3) f <i>Attach a copy of the Emergency Protective Order if you have one.</i> Comment: Delete reference "if you have one". Do not encourage people not to comply. If they can't find the copy they will tell us.</p> <p>DV-101 (4) f Comment: Change "police" to "law enforcement agency"</p> <p>DV-101 (4) f Comment: Delete reference "if you have one". Do not encourage people not to comply. If they can't find the copy they will tell us.</p> <p>DV-101 (5) Comment: Change word: write to print</p>	<p>suggestion.</p> <p>The committee proposes to make the heading conform with the heading in DV-100: "Name of person asking for protection."</p> <p>The committee notes that this heading conforms with the name heading in Form DV-100 so should remain consistent.</p> <p>The term "police" may be more understood by the average lay person.</p> <p>The committee does not propose revising the text because it could discourage or delay litigants from seeking a necessary order.</p> <p>The term "police" may be more understood by the average lay person.</p> <p>The committee does not propose revising the text because it could discourage or delay litigants from seeking a necessary order.</p> <p>The committee prefers the word "write."</p>

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			<p>DV-102 Comment: There's no reference to the court or county which initiated the restraining order. Recommendation: add court & county</p> <p>DV-102 "Fill out as much of this form as you can and give it to the court clerk. Comment: remove "give it to the court clerk" change to "turn it in to the court with the rest of the restraining order"</p> <p>DV-102 If the court issues a restraining order, the information on this form will be sent by the court to a statewide restraining order database for law enforcement officers. Comment: This sentence does not need a hard return. Just continue this sentence after the opening sentence.</p> <p>DV-105 Comment: Remove checked box. There's no need to have a checked check box.</p> <p>DV-105 (3) Comment: Three opportunities on this page to attach an additional sheet of paper. Change "write" to "print"</p> <p>DV-105 (4) Case Number (if you have it) Comment: The phrase "if you have it" encourages people not to complete the form.</p>	<p>The entering agency will have Form DV-110 or Form DV-130 available when this form is used to enter the orders into CLETS. Those documents contain the detailed court information.</p> <p>The form may be filed at a later date so the proposed instruction may be confusing or incorrect.</p> <p>The committee prefers to highlight the main instruction in this form by giving it its own line.</p> <p>The committee agrees to remove the pre-checked box from the attachment note.</p> <p>The committee prefers the word "write."</p> <p>The committee does not propose revising the text because it could discourage or delay litigants from seeking a necessary order.</p>

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			<p>People will leave information blank if they don't know. Recommendation: remove "if you have it"</p> <p>DV-105 (5) Child (3)a's address (city and state): Comment: add "oldest" child's address</p> <p>DV-105 (5) Comment: change word: write to print</p> <p>DV-105 (6) Comment: change word: write to print</p> <p>DV-105 (7) Comment: Delete reference "if you have them". Do not encourage people not to comply. If they can't find the copy they will tell us.</p> <p>DV-105 (7)f Comment: "if you have it" Recommendation: remove</p> <p>DV-105 (8) Comment: Opportunity to attach another page. Comment: change word: write to print</p> <p>DV-105 (10) Comment: 10 is simply an opportunity to attach more paper. Recommend: Delete 10.</p> <p>DV-105 (11)b</p>	<p>The committee prefers to have item 5 track the list of children in item 3.</p> <p>The committee prefers the word "write."</p> <p>The committee prefers the word "write."</p> <p>The committee does not propose revising the text because it could discourage or delay litigants from seeking a necessary order.</p> <p>The committee does not propose revising the text because it could discourage or delay litigants from seeking a necessary order.</p> <p>The committee prefers the word "write."</p> <p>The parties may have other specific requests regarding holiday and vacation time. There is no other location for them to indicate such requests.</p> <p>The committee agrees to incorporate the</p>

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			<p>Comment: "take children from the visits" is poorly worded. Recommended: pick up children after the visit</p> <p>DV-105 (11)d Comment: change word: write to print</p> <p>DV-105 (12)a&b Comment: Remove "other" as there is no other option.</p> <p>DV-105 Important Instructions "If the court makes a temporary custody order, the parent receiving custody must not remove the child from California without a noticed hearing. (See Family Code §3063.)" Comment: This sentence is poorly worded. Recommendation rewrite: If the court makes a temporary custody order, neither parent may remove the child from Calif without an order from the court.</p> <p>DV-109 (1) Comment: Various descriptions used throughout forms. Recommend change to: Person to be Protected</p> <p>DV-109 (1) Comment: Change the word lawyer to attorney</p>	<p>suggestion.</p> <p>The committee prefers the word "write."</p> <p>The terms "professional" and "non-professional" are terms of art and may not be understood by the lay person. The litigant may suggest a proposed supervisor but not know which box to check.</p> <p>The committee does not recommend revising the form as requested because the suggested text is different from the statute.</p> <p>The term "lawyer" is more easily understood by a lay audience.</p>

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			<p>DV-109 (4) Temporary Restraining Orders (any orders granted are attached on Form DV-110) Comment: Either change phrase "attached on" to "contained in" Or, recommend: remove reference in parentheses as not necessary.</p> <p>DV-109 Notes at bottom of page #2 Comment: Change title of form DV-125 to: Request an Order to Continue Court Hearing or Reissue Temporary Restraining Order Combine forms DV-125 & DV-126</p> <p>DV-110 (1) Comment: Change lawyer to attorney</p> <p>DV-110 "Service Order By Mail" Comment: Last sentence. This may prove burdensome to the court and the person, as a change of address must be in writing. Recommend, change sentence: If the address is not correct, the person would need to complete a change of address form and come to the court to order the file for order status.</p>	<p>The committee agrees to clarify the sentence by switching the order of "attached" and "on."</p> <p>The committee proposes two separate forms to request and order continuances and reissuances. The revised order form will take into account that both parties may ask for a continuance, which the commentator endorses, but also may be used by courts to order continuances and to reissue orders, on their own motion, without the need for a request form. Judicial officers indicate that having a form for this purpose would be very useful. Further discussion about this issue may be found in the report.</p> <p>The term "lawyer" is more easily understood by a lay audience.</p> <p>This section is required by statute.</p>

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			<p>DV-112 Comment: Recommend form name change: Cancellation of Request for Restraining Order</p> <p>DV-112 <i>Use this form only to waive (cancel) the hearing.</i> Comment: remove the word "waive" and remove () around the word cancel.</p> <p>DV-112 (1) Comment: Change to: Person to be Protected</p> <p>DV-112 (2) Comment: Change to: Person to be Restrained</p> <p>DV-112 Instructions to person in (1) 5th bullet: If the hearing is canceled, any temporary orders made on Form DV-110 (<i>Temporary Restraining Order</i>) will end on the hearing date. You may file a new request for temporary restraining orders on the same or different facts at a later date. Comment: Change "temporary" to "any". ...any orders made...</p> <p>DV-120 (2) Your Name Comment: Change to: Person to be Restrained</p>	<p>The suggestion would require additional circulation of the form because it suggests that any underlying orders would be canceled prior to the hearing.</p> <p>The committee prefers to keep both terms to further understanding of the concept.</p> <p>See response above regarding terminology.</p> <p>See response above.</p> <p>It is unclear how this suggestion would improve the form. The committee prefers to keep the word as written.</p> <p>See response above regarding terminology.</p>

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			<p>DV-120 (2) Comment: Change lawyer to attorney</p> <p>DV-120 Box between (3) and (4) Comment: change word: write to print</p> <p>DV-120 (9)c I have turned in my guns and firearms to the police or sold them to a licensed gun dealer. Comment: Change word "police" to "law enforcement agency"</p> <p>DV-120 (13)c <i>Whether or not you agree, you must fill out, serve, and file Form FL-150, Income and Expense Declaration or FL-155, Financial Statement.</i> Comment: This only implies if it was requested. This sentence makes it sound like everyone is to complete I&E. This is also after items 17, 18, and 22. Recommend: If orders were requested for any of the following, you must fill out, serve and file file form FL-150, I&E declaration.</p> <p>DV-120 (23) Comment: change word: write to print</p> <p>DV-120 signature block: Comment: Change "lawyer" to "attorney"</p>	<p>The term “lawyer” is more easily understood by a lay audience.</p> <p>See response above.</p> <p>The committee proposes to add the term “or other law enforcement” instead of eliminating the word “police.”</p> <p>The committee does not recommend including the additional text. As worded, the respondent would only read the text if responding to a requested order.</p> <p>See response above.</p> <p>The term “lawyer” is more easily understood by a lay audience.</p>

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			<p>DV-120-INFO What if the legal requirements are not met? There are other kinds of orders: Comment: The form title refers to how to respond to a request for orders.... Delete this text. as it isn't in sync with the form title.</p> <p>DV-120-INFO What does the restraining order do? Comment: Question poorly worded. Recommend: How can a restraining order protect me?</p> <p>DV-120-INFO "Stay away from all protected persons" Comment: Change "persons" to "people"</p> <p>DV-120-INFO "Follow child custody and visitation orders" Comment: Remove from bullet: Make sentence the court can also make orders to follow child custody and visitation, and to obey property orders.</p> <p>DV-120-INFO "File the <i>Proof of Service</i> with the court clerk" Comment: Delete the word "clerk"</p> <p>DV-120-INFO "What if I also have criminal</p>	<p>The committee proposes adding the words "...that might apply" to clarify that if the legal requirements are not met, other orders may apply to the case.</p> <p>The form is intended for the respondent. It will not protect the respondent.</p> <p>The committee agrees to incorporate this suggestion.</p> <p>The commentator does not indicate how the suggested change will improve the form. The committee prefers to keep the wording as is.</p> <p>The committee carefully considered the use of the term "court clerk" and "clerk" and has attempted to direct litigants to the correct office. Litigants may not know where to go if the instruction is merely to the "court."</p>

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			<p>charges against me? See a lawyer. Anything you say or write can be used against you in your criminal case.” Comment: This is a global issue. In which "lawyer" and "attorney" is interchangeable. Next page the language is back to "attorney" Recommend: change "lawyer" to "attorney" change word: write to print</p> <p>DV-120-INFO “How long does the order last? If the court makes a temporary restraining order, it will last until the next hearing date.” Comment: Remove "next"</p> <p>DV-120-INFO “What if I have a gun? If a protective order is issued, you cannot own, possess, or have a gun, other firearm, or ammunition while it is in effect.” Comment: Change "protective" to "restraining"</p> <p>DV-120-INFO “The police can arrest you.” Comment: Change word "police" to "law enforcement agency".</p> <p>DV-120-INFO “You can go to jail and pay a fine.” Comment: This sentence needs to be consistent with the sentence in other forms: ...go to jail or prison and/or pay a fine.</p> <p>DV-120-INFO “No matter what, you have to follow the court order.”</p>	<p>The term “lawyer” is more easily understood by a lay audience.</p> <p>The committee agrees to incorporate this suggestion.</p> <p>The committee agrees to incorporate this suggestion.</p> <p>The term “police” is more easily understood by a lay audience.</p> <p>The committee agrees to incorporate this suggestion.</p> <p>The committee proposes clarifying the sentence to read: “The order only says what you can or cannot</p>

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			<p>Comment: Change sentence: The restraining order does not stop the protected person from contacting you, only you from contacting them.</p> <p>DV-120-INFO “Do not talk to the protected person unless the judge or that person's attorney says you can.” Comment: Here the word "attorney" is used</p> <p>DV-120-INFO “What about a lawyer? Having a lawyer is always a good idea especially if you have children,” Comment: Change "lawyer" to "attorney"</p> <p>DV-120-INFO “Ask the clerk how to find free or low-cost legal services and self-help centers in your county.” Comment: Not all courts offer self-help centers. This sentence does not belong under this heading. Raising the issue of free legal services is an unnecessary burden for the court staff to manage and monitor. People should use other resources than the court to find this information.</p> <p>DV-120-INFO “Your witness can use Form MC-030, <i>Declaration</i>, to write a statement.” Comment: change word: write to print</p> <p>DV-120-INFO “Can I agree with the person seeking protection to cancel the order?” Comment: Change question:</p>	<p>do.”</p> <p>The committee proposes changing the word “attorney” to “lawyer.”</p> <p>The term “lawyer” is more easily understood by a lay audience.</p> <p>Many court clerk’s offices routinely hand out a referral list that includes references to the self-help center or other services, if available. Litigants commonly want to know how to find a lawyer and they may not know that the county has a self-help center or facilitator’s office.</p> <p>See response above.</p> <p>The committee agrees to incorporate this suggestion.</p>

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			<p>If we agree, can the person seeking protection and I cancel the order?</p> <p>DV-120-INFO “What if I don't have a green card?” Comment: Change "don't" to "do not" Delete the first sentence: The order is valid even if...</p> <p>DV-120-INFO “The court clerk can tell you where to get legal help.” Comment: Delete sentence: The court clerk can tell...</p> <p>DV-120-INFO “What if I have children with the person to be restrained?” Comment: Change question: What if the judge made temp order for child custody and visitation?</p> <p>DV-120-INFO “If the judge issues 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 order seeking or modifying custody.” Comment: Change "issues" to "issued"</p> <p>DV-120-INFO “But, read the order for any other limits.”</p>	<p>The committee agrees to incorporate this suggestion. The form should respond to the common concern that the order is available only to citizens.</p> <p>Many court clerk’s offices routinely hand out a referral list that includes references to the self-help center or other services, if available. Litigants commonly want to know how to find a lawyer and they may not know that the county has a self-help center or facilitator’s office.</p> <p>The information is applicable whether or not the court issued temporary orders. The orders may be issued after a noticed hearing.</p> <p>The committee proposes to revise the sentence to incorporate several commentators’ suggestions.</p> <p>The committee agrees to incorporate this suggestion.</p>

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	Commentator	Position	Comment	Committee Response
			<p>Comment: Delete “but”</p> <p>DV-120-INFO “Ask a lawyer.” Comment: Change “lawyer” to “attorney”</p> <p>DV-120-INFO “The restraining order works anywhere in the United States.” Comment: change "works" to "is enforceable" Delete this question and response.</p> <p>DV-125 Comment: Change title to: Request an Order to Continue Court Hearing or Reissue Temporary Restraining Order</p> <p>DV-125 (1) Comment: Global recommendations: Change lawyer to attorney Change write to print</p> <p>DV-125 (3) Comment: Remove "or continue". Add to end of sentence "and the court to continue my hearing"</p> <p>DV-125 (3)a Comment: Change 3.a to: The hearing date is (date):</p> <p>DV-125 (4) Comment: Remove "or continue"</p>	<p>The term “lawyer” is more easily understood by a lay audience.</p> <p>The committee proposes to change the word to “...is valid...”</p> <p>Committee and POWG Discussion: Whatever is decided need to be added here.</p> <p>The term “lawyer” is more easily understood by a lay audience.</p> <p>See response above.</p> <p>The committee recommends revising the form to clarify that it can be used to continue a hearing and to seek reissuance of temporary orders.</p> <p>The committee agrees to incorporate the suggestion.</p> <p>The committee recommends revising the form to clarify that it can be used to continue a hearing and to seek reissuance of temporary orders.</p>

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	Commentator	Position	Comment	Committee Response
			<p>DV-125 (4)d Comment: Delete c. - The person to be restrained.</p> <p>DV-125 (4) <i>“Check here if you need more space. Attach a sheet of paper and write “DV-125, Other Reason for Request” for a title.”</i> Comment: change word: write to print Change title of form DV-125 to: Request an Order to Continue Court Hearing or Reissue Temporary Restraining Order Combine forms DV-125 & DV-126</p> <p>DV-125 footer, page 1 Comment: Change title of form DV-125 to: Request an Order to Continue Court Hearing or Reissue Temporary Restraining Order Combine forms DV-125 & DV-126</p> <p>DV-125, page 2 Comment: General comment: This page 2 should be deleted and the instructions should be added to the 500 info page.</p> <p>DV-125, page 2, first set of bullets Comment: Need to add: Failure to complete this form with result in your order expiring at the original hearing date.</p> <p>DV-125 “Give Form DV-126 to the judge to</p>	<p>Agree to incorporate the suggestion.</p> <p>See response above.</p> <p>See response above.</p> <p>The committee recommends a separate information sheet to be used only for the reissuance request.</p> <p>The committee recommends adding text to incorporate the suggestion.</p> <p>Many litigants will not know where to bring their</p>

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	Commentator	Position	Comment	Committee Response
			<p>sign and get a new hearing date. In some courts, you must give your form to the clerk for the judge to sign. Ask the court clerk for information on the local process.” Comment: Delete the word "clerk". Sentence should read: Ask the court for information....</p> <p>DV-125 “File the form with the clerk. The clerk will make up to three file-stamped copies for you.” Comment: Delete this sentence: The clerk will make up to three...</p> <p>DV-125 “Ask the court clerk about free or low-cost legal help or go to www.courts.ca.gov.” Comment: Delete the first portion of this sentence: Should read: For free or low-cost legal help go to www.courts.ca.gov</p> <p>DV-125, page 2, footer Comment: Change title to: Request an Order to Continue Court Hearing or Reissue Temporary Restraining Order</p> <p>DV-126 Comment: Combine DV-125 & DV-126</p>	<p>paperwork. The instruction to see the court clerk will direct them to the appropriate window or area of the courthouse.</p> <p>The information assists the litigant; the commentator does not indicate why deleting the text would improve the form.</p> <p>Many court clerk’s offices routinely hand out a referral list that includes references to the self-help center or other services, if available. Litigants commonly want to know how to find a lawyer and they may not know that the county has a self-help center or facilitator’s office.</p> <p>The committee agrees to revise the title of the form to incorporate the suggestion.</p> <p>The committee proposes two separate forms to request and order continuances and reissuances. The revised order form will take into account that both parties may ask for a continuance, which the commentator endorses, but also may be used by courts to order continuances and to reissue orders,</p>

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	Commentator	Position	Comment	Committee Response
			<p>DV-126 (1) Global comments: lawyer changed to attorney</p> <p>DV-126 (2) <i>“Clerk will fill out all sections below.”</i> Comment: Change "clerk" to "Court"</p> <p>DV-126 (3)b.1-4 Comment: Remove 3.b.1-4. This is not necessary.</p> <p>DV-130 (1) Comment: Global: Change lawyer to attorney Change write to print</p> <p>DV-130 (3) Comment: Change 5 & 6 should be 6 & 7. Comment: change word: write to print</p> <p>DV-130 (5)a Comment: Delete: "with (name of judicial officer)"</p>	<p>on their own motion, without the need for a request form. Judicial officers indicate that having a form for this purpose would be very useful. Further discussion about this issue may be found in the report.</p> <p>The term “lawyer” is more easily understood by a lay audience.</p> <p>The committee agrees to revise the section as suggested.</p> <p>The committee recommends retaining the section to indicate the reason for continuance. This information could prove to be helpful in the future.</p> <p>The term “lawyer” is more easily understood by a lay audience.</p> <p>The committee agrees to correct this typographical error. See response above.</p> <p>The commentator does not indicate how deleting the prompt to insert the name of judicial officer would improve the form. There may be instances where litigants complete a proposed DV-130 and</p>

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			<p>DV-130 “To the person in (2)” Comment: Remove this section referring to person 2. This entire form is the order.</p> <p>DV-130 (15) “<i>Check here if you need more space. Attach a sheet of paper and write, “DV-130, Debt Payments” as a title.</i>” Comment: change word: write to print</p> <p>DV-130 (16) “In addition, the person must notify the other of any new or big expenses and explain them to the court.” Comment: Remove: "or big"</p> <p>DV-130 (9) Comment: change word: write to print</p> <p>DV-130 (24)a Comment: change word: write to print</p> <p>Dv-130 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.” Comment: Change "protective" to "restraining"</p> <p>DV-140 (3)</p>	<p>it would be helpful for them to know whose name to insert in that location.</p> <p>The commentator does not indicate how deleting the information would improve the form.</p> <p>See response above.</p> <p>The phrase is a plain-language translation of Family Code section 2045(a) which requires married parties to notify each other of proposed extraordinary expenditures. The committee proposes to keep the text as written.</p> <p>See response above.</p> <p>See response above.</p> <p>The committee proposes revising the text to incorporate the terms “restraining” and “protective.” Many other states use the word “protective” instead of “restraining” so including both terms will ensure that the notice is applicable in all states.</p>

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			<p>Comment: change word: write to print</p> <p>DV-140(4)d.3 Comment: change word: write to print</p> <p>DV-140 (9) Comment: change word: write to print</p> <p>DV-145 (5) “Do Not Move Without Permission of the Other Parent or Court Order” Comment: Add the word “written”</p> <p>DV-150 Comment: Remove the check-mark and box</p> <p>DV-200 (4)f Comment: “Change title to: Request an Order to Continue Court Hearing or Reissue Temporary Restraining Order”</p> <p>DV-200-INFO “The <i>police cannot arrest</i> anyone for violating an order <i>unless</i> the restrained person knows about the order.” Comment: Change word "police" to "law enforcement agency"</p> <p>DV-200-INFO “What happens if I can’t get the papers served before the hearing date?” Comment: change contraction</p> <p>DV-200-INFO “Before your hearing, fill out</p>	<p>See response above.</p> <p>See response above.</p> <p>See response above.</p> <p>The committee agrees to incorporate this suggestion.</p> <p>The committee agrees to incorporate this suggestion.</p> <p>The committee agrees to incorporate this suggestion.</p> <p>The term “police” is simpler for a lay audience.</p> <p>The committee agrees to incorporate the suggestion.</p> <p>The committee agrees to incorporate this</p>

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			<p>and file a <i>Request to Continue Hearing or Reissue Temporary Restraining Order</i> (Form DV-125) and <i>Order for New Hearing Date on Request for Reissuance or Continuance</i> (DV-126).”</p> <p>Comment: Change title to: Request an Order to Continue Court Hearing or Reissue Temporary Restraining Order</p> <p>DV-200-INFO “Ask the clerk for the form or go to www.courts.ca.gov.”</p> <p>Comment: Remove the phrase: "ask the clerk". Rewrite sentence: For the form go to www.courts.ca.gov</p> <p>DV-200-INFO “That way, the police will know your orders are still in effect.”</p> <p>Comment: Change word "police" to "law enforcement agency"</p> <p>DV-200-INFO “If the sheriff serves the orders, he or she will send the <i>Proof of Personal Service</i> to the court and CLETS (California Law Enforcement Telecommunications System), a statewide computer system that lets police know about your order, for you.”</p> <p>Comment: Change word "police" to "law enforcement agency"</p> <p>DV-250</p> <p>Comment: Remove cartoon art work</p>	<p>suggestion.</p> <p>Many court clerk’s offices routinely hand out a referral list that includes references to the self-help center or other services, if available. Litigants commonly want to know how to find a lawyer and they may not know that the county has a self-help center or facilitator’s office.</p> <p>The term “police” is simpler for a lay audience.</p> <p>The term “police” is simpler for a lay audience.</p> <p>The committee has discussed the artwork many times over the years and continues to recommend</p>

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			<p>DV-250 (5)a Comment: Change "Name" to "Name of person served"</p> <p>DV-250 (5)c Comment: Change "On (date)" to "Mailed on"</p> <p>DV-300 Comment: It's unrealistic that once a person gets an order, that the person will complete this form. The form should not be designed as if the party is going to complete this form.</p> <p>DV-500-INFO "Or you are closely related: parent or mother/father-in-law, child or step-child, grand parent or grandparent-in-law, grand child or grandchild-in-law, sister or sister-in-law, brother or brother-in-law, step parent, daughter-in-law or son-in-law. (See Family Code § 6211). Comment: Delete the word "closely:</p> <p>DV-500-INFO "There are other kinds of orders you can ask for:" Comment: add bullet: Postsecondary School violence order...</p> <p>DV-500-INFO "Ask the court clerk for the forms you need for these special kinds of</p>	<p>that it be included to enhance comprehension.</p> <p>The committee agrees to incorporate this suggestion.</p> <p>The committee agrees to incorporate this suggestion.</p> <p>The committee agrees to clarify the purpose and use of this form so that it is not solely to notify CLETS of modifications.</p> <p>The committee agrees to incorporate the suggestion.</p> <p>The committee does not recommend adding this type of restraining order as its use is limited to the chief administrative officer of the school and could therefore cause confusion.</p> <p>The committee does not recommend deleting the reference to the court clerk. If the litigant is</p>

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			<p>orders.” Comment: rewrite the first sentence: You will find the forms at www.courts.ca.gov</p> <p>DV-500-INFO “You may also want to talk to a lawyer.” Comment: change lawyer to attorney</p> <p>DV-500-INFO “Obey child custody and visitation orders Pay child support Pay spousal support Obey orders about property” Comment: The court may also make orders regarding...</p> <p>DV-500-INFO “The clerk will write a hearing date on the <i>Notice of Court Hearing</i> (Form DV-109).” Comment: change write to print</p> <p>DV-500-INFO “The judge will decide within one business day whether or not to make any temporary orders. Sometimes the judge decides sooner. Ask the clerk if you should wait or come back later to get copies of the <i>Notice of Court Hearing</i> (Form DV-109) and <i>Temporary Restraining Order</i> (Form DV-110). Comment: change this section to a single sentence: Contact the court to find out what local court protocols are in place.</p>	<p>already at court, the clerk will be able to provide the forms. The committee recommends adding a reference to the California Courts website.</p> <p>The term “lawyer” is more easily understood by a lay audience.</p> <p>The commentator does not indicate how the proposed revision will improve the form. The committee recommends keeping the text as is.</p> <p>See response above.</p> <p>The commentator does not indicate how eliminating the information will improve the form. Litigants will be helped by knowing the general procedure and that the court will make a decision with one business day.</p>

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			<p>DV-500-INFO “If the judge makes a temporary order, it will last until the next hearing date.” Comment: Delete the word "next"</p> <p>DV-500-INFO “For help with service, ask the court clerk for form DV-200-INFO, <i>What is “Proof of Personal Service”?</i>” Comment: Remove the last sentence and change to: For help with service, see the judicial council website...</p> <p>DV-500-INFO “Call the police. The restrained person can be arrested and charged with a crime.” Comment: Change word "police" to "law enforcement agency"</p> <p>DV-500-INFO “What about a lawyer?” Comment: Change question to: Do I need an attorney? (there is an additional reference to ‘lawyer’ in the first sentence of this paragraph)</p> <p>DV-500-INFO “Ask the court clerk about free and low cost legal services and domestic violence help centers in your county.” Comment: Delete the word "clerk"</p> <p>DV-500-INFO “Medical or police reports” Comment: Change word "police" to "law enforcement agency"</p>	<p>The committee agrees to incorporate this suggestion.</p> <p>The committee does not recommend deleting the reference to the court clerk. If the litigant is already at court, the clerk will be able to provide the forms. The committee recommends adding a reference to the California Courts website.</p> <p>The term “police” is simpler for a lay audience.</p> <p>The committee proposes revising the heading to read: “Do I need a Lawyer?”</p> <p>Many court clerk’s offices routinely hand out a referral list that includes references to the self-help center or other services, if available. Litigants commonly want to know how to find a lawyer and they may not know that the county has a self-help center or facilitator’s office.</p> <p>The term “police” is simpler for a lay audience.</p>

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	Commentator	Position	Comment	Committee Response
			<p>DV-500-INFO “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.” Comment: Remove this first sentence.</p> <p>DV-500-INFO “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. The court clerk can tell you where to get legal help.” Comment: Delete the last sentence. Add last sentence: For help with services, see the judicial council website...</p> <p>DV-500-INFO “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. But read the order for any other limits. There are some exceptions. Ask a lawyer.” Comments: Remove the word "but", start sentence with "read". Remove the last two sentences.</p> <p>DV-500-INFO “Your restraining order works</p>	<p>The committee proposes to keep the first sentence as it responds to a common question by people who are not citizens.</p> <p>The committee agrees to delete the court clerk reference because it is redundant with the reference lower down on the same page.</p> <p>The committee agrees to revise the sentence as suggested and proposes to add a reference to read Form DV-140, <i>Child Custody and Visitation Order</i>, if issued.</p> <p>The committee proposes revising the sentence to</p>

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			<p>anywhere in the United States. If you move out of California, contact the local police so they will know about your orders.” Comments: change "works" to "is enforceable" change police to law enforcement Add exception language outlining--If there's a custody order this may not apply.</p> <p>DV-500-INFO “Ask the court clerk about free or low-cost legal help. Or call the National Domestic Violence Hotline:” Comment: Delete the first sentence.</p> <p>DV-505-INFO (1)d Comment: Change word: clerk to court</p> <p>DV-505-INFO (2) Comment: Delete the word clerk.</p> <p>DV-505-INFO (3) Comment: Delete sentence: The judge must decide....</p> <p>DV-505-INFO (3) “The court will set a hearing date on Form DV-109 whether or not the judge grants any temporary orders.” Comment: delete this sentence. The judge has the authority to deny a restraining order without a hearing.</p>	<p>indicate that the order is valid anywhere in the United States.</p> <p>The committee does not propose adding text about whether or not child custody orders are enforceable. That area of law is too complex for the purposes of this form.</p> <p>Many court clerk’s offices routinely hand out a referral list that includes references to the self-help center or other services, if available. Litigants commonly want to know how to find a lawyer and they may not know that the county has a self-help center or facilitator’s office.</p> <p>The commentator does not indicate how changing the word would improve the form.</p> <p>The commentator does not indicate how changing the word would improve the form.</p> <p>The text answers a common question. The committee proposes keeping the text as is.</p> <p>The committee carefully considered the procedure when Form DV-109 was first adopted by the Judicial Council. Revising the procedure would require a request for public comment.</p>

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			<p>DV-505-INFO (4) “Restraining orders get entered into CLETS, a statewide computer system that lets police know about your order. The court will send the order to law enforcement or CLETS for you.” Comment: Change word "police" to "law enforcement agency"</p> <p>DV-505-INFO Comment: Change title to: I have a temp restraining order what do I do now?</p> <p>DV-505-INFO (7) “The <i>Proof of Personal Service</i> shows the judge and police that the restrained person got a copy of the request for orders.” Comment: Change word "police" to "law enforcement agency"</p> <p>DV-505-INFO (7) “Take the original and copies to the court clerk as soon as possible before your hearing.” Comment: Delete the word clerk</p> <p>DV-505-INFO (7) “Keep one copy with you and another in a safe place in case you need to show it to the police.” Comment: Change word "police" to "law enforcement agency"</p> <p>DV-505-INFO (7) “If the sheriff serves your</p>	<p>The term “police” is simpler for a lay audience.</p> <p>The form is applicable before the request is filed and after the court has set a hearing date, with or without temporary orders. The committee does not recommend revising the title as suggested.</p> <p>The term “police” is simpler for a lay audience.</p> <p>The commentator does not indicate how changing the word would improve the form.</p> <p>The commentator does not indicate how changing the word would improve the form.</p> <p>The term “police” is simpler for a lay audience.</p> <p>The term “police” is simpler for a lay audience.</p>

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			<p>order, he or she will send the Proof of Service to the court and to CLETS for you.” Comment: Change word "police" to "law enforcement agency"</p> <p>DV-505-INFO Comment: Change title as shown on previous page.</p> <p>DV-505-INFO (8) “Form DV-125 (<i>Request to Continue Hearing or Reissue Temporary Restraining Order</i>)” Comment: Change title to: Request an Order to Continue Court Hearing or Reissue Temporary Restraining Order</p> <p>DV-505-INFO Global Comment: Remove cartoon art.</p> <p>DV-505-INFO (10) “Ask the court clerk about free or low-cost legal help. You may call the National Domestic Violence Hotline:” Comment: Delete this first sentence: Ask the court clerk...</p> <p>DV-520-INFO “Bring documents that support your case (police or medical reports, rental agreements or receipts, photos, bills, etc.)”</p>	<p>The form is applicable before the request is filed and after the court has set a hearing date, with or without temporary orders. The committee does not recommend revising the title as suggested.</p> <p>The committee agrees to incorporate the suggestion.</p> <p>The committee has discussed the artwork many times over the years and continues to recommend that it be included to enhance comprehension.</p> <p>Many court clerk’s offices routinely hand out a referral list that includes references to the self-help center or other services, if available. Litigants commonly want to know how to find a lawyer and they may not know that the county has a self-help center or facilitator’s office.</p> <p>The term “police” is simpler for a lay audience.</p>

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			<p>Comment: Change word "police" to "law enforcement agency"</p> <p>DV-520-INFO “You can bring documents or witnesses to help support your case. If you do, bring the witnesses’ written statements of what they saw or heard, signed under penalty of perjury.” Comment: delete "do"</p> <p>DV-520-INFO “Your witnesses can write their statements using form MC-030, <i>Declaration</i>, or a sheet of paper.” Comment: change word: write to print</p> <p>DV-520-INFO “Ask the clerk for the local process to get Form DV-130 filed. After the form is filed, the clerk will give you up to three copies.” Comment: Change word: clerk to court Delete this last sentence: After the form is filed....</p> <p>DV-520-INFO “Read the signed Form DV-130 carefully. If anything is different from what the judge ordered, tell the court clerk right away or talk to your lawyer if you have one for the case.” Comment: Change the word lawyer to attorney</p> <p>DV-520-INFO “Ask the court clerk for the forms you need. Depending on the reason for</p>	<p>The committee proposes to revise this section for clarity and to reduce duplicative information.</p> <p>See response above.</p> <p>The committee proposes the term “court clerk” instead of “clerk.”</p> <p>The term “lawyer” is more easily understood by a lay audience.</p> <p>The committee agrees to revise the title of the form. The committee prefers to keep the</p>

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			<p>the new hearing date, you might need <i>Request to Continue Hearing or Reissue Temporary Restraining Order (DV-125).</i>” Comments: Delete the sentence "Ask the court clerk for the forms you need." Change title to: Request an Order to Continue Court Hearing or Reissue Temporary Restraining Order</p> <p>DV-520-INFO Comment: Change form name to "Your Hearing what happens before, during and after" Note change on previous pages</p> <p>DV-520-INFO “The clerk will send Form DV-130 to law enforcement or CLETS for you. CLETS is a statewide computer system that lets police know about the order.” Comment: Change word "police" to "law enforcement agency"</p> <p>DV-520-INFO “If you do not receive a copy of the orders within a few days after the hearing, ask the clerk for a copy.” Comment: Delete this bullet - IF you do not receive a copy...</p> <p>DV-520-INFO “Ask the court clerk about free or low-cost legal help.” Comment: Delete this sentence - Ask the court clerk about free...</p>	<p>information about asking the court clerk for information.</p> <p>The committee proposes to keep the title of the form. The proposed title is more encompassing than the information in the form.</p> <p>The term “police” is simpler for a lay audience.</p> <p>The committee prefers to retain this information because it answers a common question and alerts litigants to carefully review the court’s order.</p> <p>Many court clerk’s offices routinely hand out a referral list that includes references to the self-help center or other services, if available. Litigants commonly want to know how to find a</p>

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			<p>DV-530-INFO “Get copies of your restraining order (DV-110 or DV-130) and <i>Proof of Service</i> (Form DV-200 or DV-250) from the court clerk if you don't already have them.” Comment: Delete the phrase "court clerk" and replace with the "For help with services and forms, see the judicial council website..."</p> <p>DV-530-INFO “Always keep a copy with you. You may need to show it to the police.” Comment: Change word "police" to "law enforcement agency"</p> <p>DV-530-INFO “When should I call the police?” Comment: Change word "police" to "law enforcement agency"</p> <p>DV-530-INFO “Call the police <i>right away</i> if the restrained person violates any of the orders .” Comment: “Change word "police" to "law enforcement agency"</p> <p>DV-530-INFO “Write down what happened, when, where, and the names of any witnesses” Comments: First bullet, rewrite: On a piece of paper print what happened...</p> <p>DV-530-INFO “Get copies of police reports.”</p>	<p>lawyer and they may not know that the county has a self-help center or facilitator’s office.</p> <p>This sentence is intended to help litigants who do not have a copy of the filed order. The committee recommends retaining the information as written.</p> <p>The term “police” is simpler for a lay audience.</p> <p>The term “police” is simpler for a lay audience.</p> <p>The term “police” is simpler for a lay audience.</p> <p>The instruction is intended to help the litigant keep a personal record for later use, not to submit to the court. The committee proposes to retain the informal text as written.</p> <p>The term “police” is simpler for a lay audience.</p>

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	Commentator	Position	Comment	Committee Response
			<p>Comments: Change word "police" to "law enforcement agency"</p> <p>DV-530-INFO “Even if you haven’t served the orders yet, call the police. Show the police a copy of your orders.” Comments: Change word "police" to "law enforcement agency" Change word "police" to "law enforcement agency"</p> <p>DV-530-INFO “What can the police do?” Comments: Change word "police" to "law enforcement agency"</p> <p>DV-530-INFO “The restrained person can be arrested, pay a fine, or go to jail.” Comment: change sentence to: ...go to jail or prison and/or pay a fine.</p> <p>DV-530-INFO “Ask your local district attorney (D.A.) how he or she will handle your case. The D.A. may file criminal or contempt charges. You can always call the D.A. for information about a criminal case. You can also file a civil contempt action. Ask the court clerk for forms.” Comment: Delete this last sentence: Ask the court clerk...</p> <p>DV-700 (4)c Comment: change "write" to "print"</p>	<p>The term “police” is simpler for a lay audience.</p> <p>The term “police” is simpler for a lay audience.</p> <p>The committee agrees to incorporate the suggestion.</p> <p>Many litigants will be reading the information sheet in the courthouse and/or will not have easy access to the internet. The committee proposes adding a reference to the California Courts website.</p> <p>See response above.</p>

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	Commentator	Position	Comment	Committee Response
			<p>DV-700-INFO (7) “Take the forms to the court clerk.” Comment: Delete the word "clerk"</p> <p>DV-700-INFO (7) “Take the original and the copies to the court clerk at least 2 days before your hearing.” Comment: Delete the word “clerk”</p> <p>DV-700-INFO (12) “Ask the court clerk for information on the local process.” Comment: Delete the word “clerk”</p> <p>DV-710 (3) “The current restraining order (<i>Order of Protection</i>) stays in effect until the hearing date.” Comment: Delete word "current"</p> <p>DV-710 (4) “After the person in has been served, file Form DV-200, <i>Proof of Personal Service</i>, with the court clerk.” Comment: Delete word “clerk”</p> <p>DV-720 instructions “Fill out this form and then take it to the court clerk.” Comment: Delete word “clerk”</p> <p>DV-720 (1) Comment: Remove parens</p> <p>DV-720 hearing box Comment: change word: write to print</p>	<p>The commentator does not indicate how eliminating the word will improve the form.</p> <p>The commentator does not indicate how eliminating the word will improve the form.</p> <p>The commentator does not indicate how eliminating the word will improve the form.</p> <p>The committee agrees to incorporate the suggestion.</p> <p>The commentator does not indicate how eliminating the word will improve the form.</p> <p>The commentator does not indicate how eliminating the word will improve the form.</p> <p>The parenthetical is a copyediting convention; the committee does not recommend removing the parentheses.</p> <p>See response above.</p>

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	Commentator	Position	Comment	Committee Response
			<p>DV-720 (4) Comment: change word: write to print</p> <p>DV-730 (4)b “permanent!” Comment: spelling issue</p> <p>DV-730 (4)b If no expiration date is written here, the order expires three years from the date of the hearing in item above.” Comment: change three to five</p> <p>Page 91 of Invitation to Comment on SPR11-55: <i>Form DV-125, Request to Continue Hearing or Reissue Temporary Restraining Order</i></p> <ul style="list-style-type: none"> • The form would be separated into two forms to match the style adopted by the other civil restraining order forms and to comply with CCMS guidelines requesting that a form have only one purpose (either submitted by a party to a court or developed by the court). <p>Comment: Change title to: Request an Order to Continue Court Hearing or Reissue Temporary Restraining Order</p>	<p>See response above.</p> <p>The committee agrees to correct this typographical error.</p> <p>The committee recommends deleting the sentence because it is not required. It is not clear whether Family Code section 6345(c) applies to renewals.</p> <p>The committee agrees to revise the title of the form for clarity.</p>
32.	Superior Court of San Diego County Mike Roddy, Executive Officer	AM	<p><u>CLETS form:</u></p> <ol style="list-style-type: none"> 1. Prefer six separate CLETS forms. 2. Address of protected person: Sheriff’s department requires an address, and may return the form to court if it’s missing. 	The committee recommends one universal CLETS Confidential Information form with a universal identifier for the reasons indicated in the report.

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	Commentator	Position	Comment	Committee Response
			<p><u>DV-110 (TRO)</u>: Use three boxes on the TRO and ROAH.</p> <p><u>Specific Formatting Comments</u>:</p> <ol style="list-style-type: none"> 1.DV-100, Item 4: Needs more prominence on the form as it is almost always the first question litigants ask in determining if they need a civil vs. DV restraining order. It should come directly after # 1. 2.DV-109 and DV-110 – these forms alternate information for the protected party and the restrained party, which makes it confusing for litigants. Group all the sections pertaining to the protected party together and likewise for the restrained party so the information flows better. 3.DV-145, Items 5-11:Shouldn't the parent listed be the one listed in item 2, not 3? This would be consistent with all other DV forms. 4.DV-250-INFO, "Who can serve?": Remove the 2nd bullet ("Not be protected by the orders") as the 3rd one states essentially the same thing, and is duplicative. 5.DV-250-INFO, "What about child custody or visitation?": 1st bullet – why isn't mediation referred to as child custody recommending 	<p>The committee prefers the use of three checkboxes on the temporary order to ensure that each requested order is considered and clearly addressed. Further explanation of the committee's recommendation is in the report.</p> <p>The committee appreciates the importance of the relationship requirement. However, the suggestion would alter the caption convention. In addition, space on the form is extremely limited.</p> <p>The committee agrees to group the information as suggested.</p> <p>The restricted parent may be the protected person. Although it is not consistent with the other DVPA forms, the committee recommends retaining the text.</p> <p>The committee agrees to incorporate this suggestion into Form DV-200-INFO.</p> <p>The committee proposes to revise Form DV-520-INFO to reference Family Court Services instead of "mediation."</p>

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			<p>counseling?</p> <p>6.DV-500-INFO, "Can I get a Domestic Violence Restraining Order?": 2nd bullet - Should also list "legally adopted children" as an appropriate relationship.</p> <p>7.DV-500-INFO, "What if I don't have the relationship...?": Add a bullet: "Private Postsecondary School Violence."</p> <p>8.DV-505-INFO, Item 1a: Add an additional checkbox for the CLETS form DV-102.</p> <p>9.DV-505-INFO, Item 1e: Suggest the sentence read, "There are other forms you will need later. They are (<i>do not fill them out now</i>):"</p> <p>10. DV-505-INFO, Item 6: Remove the 2nd bullet ("Not be protected by the orders") as the 3rd one states essentially the same thing, and is duplicative.</p> <p>11. DV-520-INFO, "Be Prepared", 6th bullet: Add "if you do not have childcare available." to the end of the sentence.</p> <p>12. DV-520-INFO, "What about child custody or visitation?": References "mediation" several times. Should this say FCS or CCRC?</p> <p>13. DV-700, Item 2: Add a box around description of the restrained person to be consistent with all DV forms.</p> <p>14. DV-730: Remove "to Stop Domestic</p>	<p>The committee agrees to add "legally adopted child" to the list of qualified relationships.</p> <p>The committee does not recommend adding this type of restraining order as its use is limited to the chief administrative officer of the school and could therefore cause confusion.</p> <p>The committee agrees to incorporate this suggestion.</p> <p>The committee agrees to incorporate this suggestion.</p> <p>The committee agrees to incorporate this suggestion.</p> <p>The committee agrees to incorporate this suggestion.</p> <p>The committee agrees to revise the references to "mediator" to "Family Court Services."</p> <p>The committee agrees to incorporate this suggestion.</p> <p>The committee agrees to incorporate this</p>

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			<p>Violence" from title. None of others in renewal set have this.</p> <p>15. DV-730, Item 4b: Add a checkbox for permanent orders. Or clarify what should be marked if order is permanent. Also, last sentence "three" should be "five" years.</p>	<p>suggestion.</p> <p>The word “permanent” is already on the form. The committee is uncertain what is suggested.</p> <p>The committee recommends deleting the sentence because it is not required and it is not clear if Family Code section 6345(c) applies to renewals.</p>
33.	<p>Superior Court of Santa Clara County, Family Court Hon. Mary Ann Grilli</p>	AM	<p><u>Rule 5.381:</u></p> <p>The proposed rule, as currently drafted, goes well beyond the legislative mandate found in the change to Family Code section 6340(a). The only change made to that Code section is the statement that any custody, visitation or support orders “shall <u>survive</u> the termination of any protective order.” The Legislature did not in any way mandate that limited jurisdiction DVPA matters would become permanent custody cases. The summary notes by the Commission describe the rule as intended to “address court procedures for the modification of child custody, visitation, and support orders in accordance with Family Code section 6340(a).” P. 3 of the Summary to the proposal, and Rule 5.381(a)(2). As noted above, the amended Family Code section 6340(a) nowhere mentions “modification” of any orders, only their survival.</p> <p>The proposed rule mentions <u>Family Code</u></p>	<p>The committee recommends deleting item (a)(1) as it was circulated for comment because it restates the statute and other revisions to respond to the commentator’s concerns.</p>

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			<p>section 6218, to the effect that custody orders shall remain in effect upon the termination of a protective order “as defined in 6218”. Rule 5.381(a)(1). Section 6218, in turn, refers to section 6320. Section 6320 refers to ex parte <u>temporary</u> restraining orders. Thus, a literal reading of the rule would have custody orders continue in effect even if no permanent restraining order has ever been issued. This might be the case even where an ex parte temporary restraining order is issued with temporary custody orders, and the court never makes any finding or even finds there was no domestic violence at a hearing to warrant issuance of a permanent restraining order. The same would be true if the moving party failed to appear at the hearing for permanent orders, the custody orders could technically be viewed as surviving the termination of the tro.</p> <p>The rule should be modified to clarify that only if a <u>permanent</u> restraining order has been issued would any custody/visitation/support custody orders remain in effect after the termination of the restraining order.</p> <p>We also object to all of the language found in Rule 5.381(a)(2) and (b) that require the Court to accept and consider applications to modify orders made in a DVPA case, without a UPA or FL case filing.</p>	<p>Amended Family Code section 6340(a) is located in the part specifying which orders are available after a noticed hearing. The committee does not recommend restating the law in the rule.</p> <p>See response above.</p>

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			<p>The DVPA is a limited jurisdiction proceeding. The sections clearly refer to temporary custody orders and the support orders have also been viewed as temporary. There is no jurisdiction in the DVPA, for example, to conduct a permanent spousal support hearing or a full custody trial. The DVPA was not intended to be the vehicle for litigating modification proceedings concerning support and custody.</p> <p>Rule 5.381(b) of the proposed rule mandates that the court not require parties to file other actions to request modification of custody, visitation, or child support. This was not required by the legislation and will create a substantial risk of conflicting orders and difficulty of enforcement for domestic violence victims.</p> <p>The rule deprives the court of any discretion to order parties to file in other actions. This could, for example, prevent a court from correctly exercising the UCCJEA requirements to mandate that proceedings be heard in the home state of the child. Moreover, if there are existing cases pending when the DVPA case was filed, possibly in another county or even another state with priority of jurisdiction, the court should continue to have the authority to determine which proceeding should go forward.</p> <p>For example, if a party has a dissolution</p>	

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			<p>pending in county 1 with custody orders which may, or may not be final orders, the rule, as proposed, would permit a party to file a DVPA case in county 2 and obtain custody orders there. The court in county 2 would not be able to require that party to return to the original court to resolve ongoing custody disputes or ask to move the case to county 2.</p> <p>This rule also would not (and could not) prevent a party from filing a dissolution action after the DVPA case is filed, and if filed in another county, the court has little ability to prevent that other court, in a case with complete jurisdiction over the marriage of the parties, including their children, from issuing conflicting orders. This rule will not simplify the process for married parties, and even has the potential to make the issues much more complex.</p> <p>In parentage cases, the DVPA as now modified specifically states that parentage judgments can only be done in DVPA matters by <u>stipulation</u>. Thus, if there is no stipulation to parentage, one of the parties must file a separate parentage action and resolve any custody issues there on a long term basis. This language in the code also indicates the Legislative intent that the courts would handle only <u>uncontested</u> custody disputes for non-married parties.</p> <p>The rule will create two types of parentage</p>	

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			<p>actions, those stipulated to in DVPA cases and those where there was no stipulation.</p> <p>Finally, the rule does not clearly state which orders have priority over other orders. If, for example, a party obtains DVPA orders and custody orders in county 1 and the other party files a dissolution action in the same county and seeks custody orders, which orders, if any, have priority and should be enforced? Historically, dissolution or UPA actions have held priority over DVPA cases. In our county, we typically consolidate the DVPA case into a FL or UPA case.</p> <p>Santa Clara County has a dedicated domestic violence department that handles only DVPA cases, and now, UPA cases that commence with a DVPA application. Adding the requirement that the court must consider modifications to custody, support or visitation in any DVPA case with minors, no matter how old that case is, and how long ago the protective order expired, will make it difficult to maintain that department. This rule will encourage the filing of more cases seeking DVPA orders, where the facts are weak or non-existent to support a permanent order. Those parties would be better served by filing a FL or UPA action. Parents who have complicated custody disputes <u>should</u> be required to file a case that has full jurisdiction to litigate that case.</p>	

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			<p>There is an opportunity here to step back and take time with this proposal to create an intra state custody jurisdiction act, which clearly sets out the rules and priorities between courts in custody and visitation proceedings. This has been needed for a very long time.</p> <p>For the above reasons, this rule, as currently drafted, should be opposed.</p> <p>Comments Regarding DV Forms:</p> <p>DV100 (as well as some of the other related forms):</p> <ol style="list-style-type: none"> 1. Allow for the addition of the other protected people’s jobs and vehicles. This gets added quite a bit by hand by judicial officers and parties. 2. In the child support section, the reference to the Income and Expense Declaration should refer to FL150, not DV 150, since the form required is an FL form. 3. The sections that are available only to married parties or domestic partners should be grouped together and have an introductory statement, such as: I am married or have a registered domestic partnership with the person in 2 and I 	<p>The committee does not recommend adding pre-printed text as requested. Space on the form is already quite limited. The “Other” box is available for any additional protected locations.</p> <p>The committee agrees to correct this typographical error.</p> <p>The comment applies to item 16 (Property Restraint) and 17 (Spousal Support). The requirements are different for each of these. While they do have the common feature that they are both available only for parties who are married or registered domestic partners, only the spousal</p>

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			<p>request the following orders: Otherwise, that statement or something like it will need to be repeated for each one.</p> <p>4. The spousal support section lacks a statement of the request. That should be here to clearly indicate to the responding party and the requesting party that the applicant is requesting spousal support. Add to paragraph 17, a statement such as: “ I am married to or have a registered domestic partnership with the person in 2 and I am requesting spousal support.”</p> <p>5. Paragraph 18: attorney’s fees and costs, requires completion and filing of the Income and Expense Declaration, but not service.</p> <p>6. Time for Service should be revised to make it clearer that it is not the moving party who serves the papers. As it is written now, it says you must personally serve... A strict interpretation would lead to the conclusion that the moving party must personally serve it.</p>	<p>support order requires the Income and Expense Declaration and is further limited as it is available only if no other spousal support already exists. The committee does not propose combining these into one item number. The sections are placed adjacent to one another.</p> <p>The committee agrees to incorporate the suggested text.</p> <p>The committee agrees to include the requirement to serve the other party.</p> <p>The committee appreciates the importance of explaining service of process clearly to the parties. The committee proposes revising the sentence to read: “The papers must be personally served on the person in (2)...” The committee prefers to limit the amount of instruction on the request, in favor of using instruction sheets. Furthermore, the <i>Proof of Service</i>, Form DV-200, provides clear instruction as well.</p>

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			<p>7. The paragraphs in the documents should be numbered consistently and, hopefully, the numbers will line up between the application through the order.</p> <p>8. Paragraph 25, in which the person is to describe the abuse, should refer to DV-101 with a box to check in front of it. Parties usually need more space and we should encourage them to use DV-101. The reference at the end should be also made in the earlier part of the section.</p> <p>DV 105</p> <p>1. In number 4, request to Change Current Order, insert “County”. It is very helpful to have the county of existing orders, even if one does not have the case number. It can enable a court to obtain a copy or to talk with another judicial officer as needed in a case.</p> <p>2. In number 7(c), “Other Custody Case, reverse “witness” with “party”. The court needs to know first whether there are other cases in which the parties have participated. While it is important to know if a party was a witness in a criminal matter, it is vital to know that</p>	<p>No response required.</p> <p>Form DV-101 is only for additional incidents. Litigants may become confused if asked to use Form DV-101 for flow-over text regarding the date of most recent abuse. The committee does not recommend adding the suggested text.</p> <p>The committee agrees to incorporate this suggestion.</p> <p>The committee agrees to incorporate this suggestion.</p>

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			<p>there is another custody case where the parties were both named parties.</p> <p>DV-110</p> <ol style="list-style-type: none"> 1. Add “text” and “by internet contact” after “email” in section 6a. This also occurs on the Order After Hearing. 2. In section 6, concerning firearms, before “You must”, insert: “If you have any guns, firearms, or ammunition, you must”: 3. The support sections should be on the temporary orders, as the court in most cases will not issue support orders until after a hearing. 4. The section on spousal support is a bit confusing here. It appears to say that spousal support may be ordered in every type of case. It really should clearly state that parties must be married and child and spousal support may only be ordered if requested and ordered by the court. <p>DV-120 INFO</p> <ol style="list-style-type: none"> 1. Revise the question “what does the Restraining Order do”. It could say 	<p>The committee proposes to revise the text in 6(a) to conform with the text in the other civil restraining orders to prohibit contact by electronic means.</p> <p>The committee does not propose adding this text as it is somewhat duplicative with the rest of the sentence. If the person does not have any firearms then they will see that the section does not apply.</p> <p>The committee is uncertain what is meant by the comment.</p> <p>The limitation on spousal support is clearly stated in the petition, which both parties will read. The committee does not propose repeating the limits in the temporary order. Space on the form is extremely limited.</p> <p>The committee agrees to incorporate this suggestion.</p>

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			<p>What Can a Restraining Order Do?</p> <ol style="list-style-type: none"> 2. In the section “Will I see the person seeking protection at the court hearing”, the current draft would indicate that a party can talk with another party if the attorney for the party agrees to it. If there is a no contact order, it really requires a court order to allow conversations, even with counsel’s consent. 3. The section about “what if I have children...” would appear to directly conflict with the proposed rule about custody modification. As it is currently drafted, the form says the court can do temporary custody orders. That is a correct statement, as long as the rule or law is not changed. 	<p>The text was proposed after consideration and circulation for comment some time ago. The committee does not propose revising the text without further public comment.</p> <p>The committee recommends revisions to the rule to incorporate the suggestion.</p>
34.	John Zeis, Court Executive Officer, Superior Court of Shasta County	AM	<ol style="list-style-type: none"> 1. As recommended in the Final Report and Recommendations of the Elkins Family Law Task Force, the term “visitation” has been replaced with “parenting time.” Since this is the case, I think all forms (domestic violence and family law) need to reference the correct term; otherwise, litigants may get confused as to the difference between “visitation” and “parenting time”. 2. There needs to be consistency on forms 	<p>The committee does not recommend incorporating the suggestion unless the Family Code is amended to use the term “parenting time” instead of “visitation.”</p> <p>The titles for the protected and restrained person vary depending upon the timing of the case. Before the court has issued an order, the parties are not yet protected or restrained. The inconsistency is unavoidable.</p> <p>The document is a court order and should avoid</p>

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			<p>and how the restrained person is referenced, I agree with the reference on form DV-100 <i>Request for Orders to Stop Domestic Violence</i>, it reads ‘Name of Person You Want Protection From’ (forms below do not have this reference):</p> <ul style="list-style-type: none"> • Form DV-109 <i>Notice of Court Hearing</i>, item 2 should read ‘Name of Person You Want Protection From’ • Form DV-112 <i>Waiver of Hearing on Denied Request for Temporary Restraining Order</i>, item 2 should read ‘Name of Person You Want Protection From’ • Form DV-250 <i>Proof of Service by Mail</i>, item 2 should read ‘Name of Person You Want Protection From’ <p>3. Form DV-200-INFO <i>What is “Proof of Personal Service”?</i>, 2nd sentence reads “There are are many kinds of service-....”, need to delete an ‘are’.</p> <p>4. Rule 5.381 – Every time a litigant files a motion regarding custody, visitation, or support the clerk will have to look up</p>	<p>first person address in the title, and particularly regarding the person to be restrained as that could confuse law enforcement.</p> <p>The title should follow and be consistent with the title used in DV-109. The committee does not propose incorporating the suggestion.</p> <p>The form is used by the process server, not the person seeking the order. The committee does not propose incorporating the suggestion as it would cause confusion for the server.</p> <p>The committee agrees to correct the typographical error.</p> <p>The rule does not require courts to charge a filing fee. The committee does not recommend revising the rule as requested. Family Code section 6222</p>

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			the case to see if the restraining order is still in effect to determine whether a filing fee will be charged. If I read this correctly, there would never be a first paper filing fee, just the motion fee. If we allow these issues to continue in DV cases, then we will have to keep them as long as family law cases (30 years +).	states that there is no filing fee for an application, a responsive pleading, or an order to show cause that seeks to obtain, modify, or enforce a protective order or other order authorized by the DVPA when the request for the other order is necessary to obtain or give effect to a protective order. The establishment or modification of child custody and visitation orders is necessary to give effect to a protective order. Thus, a fee cannot be charged for a modification request filed during the time a restraining order is in effect. The rule does not impose any new requirement.

Attachment A

Applicable Family Code Sections Relating to Assembly Bill 1596 (Stats. 2010, ch. 572)

Effective January 1, 2012

243. (a) When the matter first comes up for hearing, the petitioner must be ready to proceed.

(b) If a petition under this part has been filed, the respondent shall be personally served with a copy of the petition, the temporary order, if any, and the notice of hearing on the petition.

Service shall be made at least five days before the hearing.

(c) If the petitioner fails to comply with subdivision (a) or subdivision (b), the court shall dissolve the order.

(d) If service is made under subdivision (b), the respondent may file a response that explains or denies the allegations in the petition. The respondent is entitled, as a matter of course, to one continuance for a reasonable period, to respond to the petition for orders.

(e) On motion of the petitioner or on its own motion, the court may shorten the time provided in this section for service on the respondent.

(f) If the response is served on the petitioner at least two days before the hearing, the petitioner is not entitled to a continuance on account of the response.

6322.7. (a) The court shall order that any party enjoined pursuant to an order issued under this part be prohibited from taking any action to obtain the address or location of any protected person, unless there is good cause not to make that order.

(b) The Judicial Council shall develop forms necessary to effectuate this section.

6345. (a) In the discretion of the court, the personal conduct, stay-away, and residence exclusion orders contained in a court order issued after notice and a hearing under this article may have a duration of not more than five years, subject to termination or modification by further order of the court either on written stipulation filed with the court or on the motion of a party. These orders may be renewed, upon the request of a party, either for five years or permanently, without a showing of any further abuse since the issuance of the original order, subject to termination or modification by further order of the court either on written stipulation filed with the court or on the motion of a party. The request for renewal may be brought at any time within the three months before the expiration of the orders.

(b) Notwithstanding subdivision (a), the duration of any orders, other than the protective orders described in subdivision (a), that are also contained in a court order issued after notice and a hearing under this article, including, but not limited to, orders for custody, visitation, support, and disposition of property, shall be governed by the law relating to those specific subjects.

(c) The failure to state the expiration date on the face of the form creates an order with a duration of three years from the date of issuance.

6387. The court shall order the clerk of the court to provide to a petitioner, without cost, up to three certified, stamped, and endorsed copies of any order issued under this part, and of an extension, modification, or termination of the order.

Attachment B

Family Code Section Pertaining to Assembly Bill 939 (Stats. 2010, ch. 352)

6340. (a) The court may issue any of the orders described in Article 1 (commencing with Section 6320) after notice and a hearing. When determining whether to make any orders under this subdivision, the court shall consider whether failure to make any of these orders may jeopardize the safety of the petitioner and the children for whom the custody or visitation orders are sought. If the court makes any order for custody, visitation, or support, that order shall survive the termination of any protective order. The Judicial Council shall provide notice of this provision on any Judicial Council forms related to this subdivision.

Attachment C
 Comparison Chart of Proposed and Current Forms for
 Domestic Violence Prevention Act Cases
 Effective January 1, 2012
 (This list only includes forms that are new, revoked, or are being revised)

Domestic Violence Prevention Act Forms		
Title (Name or number changes and new forms are in italics and underlined; all others are revoked or revised)	Proposed #	Current #
<u><i>Request for Domestic Violence Restraining Order</i></u>	DV-100	DV-100
Description of Abuse	DV-101	DV-101
<u><i>Request for Child Custody and Visitation Orders</i></u>	DV-105	DV-105
Request for Order: No Travel With Children	DV-108	DV-108
Notice of Court Hearing	DV-109	DV-109
Temporary Restraining Order	DV-110	DV-110
Waiver of Hearing on Denied Request for Temporary Restraining Order	DV-112	DV-112
<u><i>Request to Continue Hearing and Reissue Temporary Restraining Order</i></u>	DV-115	DV-125
<u><i>How to Ask for a New Hearing Date (Reissuance)</i></u>	DV-115-INFO	DV-126-INFO

<u>Notice of New Hearing Date and Order on Reissuance</u>	DV-116	n/a
<u>Response to Request for Domestic Violence Restraining Order</u>	DV-120	DV-120
<u>How Can I Respond to a Request for Domestic Violence Restraining Order?</u>	DV-120-INFO	DV-540-INFO
How to Reissue a Temporary Restraining Order	Revoked	DV-126-INFO
Restraining Order After Hearing (Order of Protection)	DV-130	DV-130
Child Custody and Visitation Order	DV-140	DV-140
Order: No Travel with Children	DV-145	DV-145
<u>Supervised Visitation and Exchange Order</u>	DV-150	DV-150
Other Orders	Revoked	DV-170
<u>Agreement and Judgment of Parentage¹</u>	DV-180	n/a
<u>Proof of Personal Service</u>	DV-200	DV-200
<u>What Is “Proof of Personal Service”?</u>	DV-200-INFO	DV-210-INFO
Proof of Service by Mail	DV-250	DV-250

¹ Form DV-180, *Agreement and Judgment of Parentage*, is included in a separate report.

Can a Domestic Violence Restraining Order Help Me?	DV-500-INFO	DV-500-INFO
<u>How Do I Ask for a Temporary Restraining Order?</u>	DV-505-INFO	DV-505-INFO
I Filled Out the Forms-What Now?	Revoked	DV-510-INFO
<u>Get Ready for the Court Hearing</u>	DV-520-INFO	DV-520-INFO
<u>How to Enforce Your Restraining Order</u>	DV-530-INFO	DV-530-INFO
Information for the Restrained Person	Revoked	DV-540-INFO
Get Ready for Your Hearing (For Restrained Person)	Revoked	DV-550-INFO
How Can I Make the Order Permanent?	Revoked	DV-560
<u>Order to Register Out-of-State or Tribal Court Protective/Restraining Order</u>	DV-600	DV-600
Request to Renew Restraining Order	DV-700	DV-700
How Do I Ask the Court to Renew My Restraining Order?	DV-700-INFO	DV-720-INFO
Notice of Hearing to Renew Restraining Order	DV-710	DV-710
<u>Response to Request to Renew Restraining Order</u>	DV-720	n/a
<u>Order to Renew Domestic Violence Restraining Order</u>	DV-730	n/a
<u>How Do I Turn In or Sell My Firearms?</u>	DV-800- INFO/JV-252- INFO	DV-810