

JUDICIAL COUNCIL OF CALIFORNIA

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INVITATION TO COMMENT W16-05

Title

Domestic Violence Restraining Orders: New and Updated Forms to Reflect Recent Legislative Changes

Action Requested

Review and submit comments by January 22, 2016

Proposed Rules, Forms, Standards, or Statutes

Adopt forms DV-805, DV-815; adopt forms DV-900, DV-901; revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130

Proposed Effective Date

July 1, 2016

Contact

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Proposed by

Family and Juvenile Law Advisory Committee
Hon. Jerilyn L. Borack, Cochair
Hon. Mark A. Juhas, Cochair

Executive Summary and Origin

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council adopt four forms and revise five forms used in Domestic Violence Prevention Act (DVPA) cases to implement changes made by Assembly Bill 439, Assembly Bill 536, and Assembly Bill 1407. The committee also recommends including an additional advisement on the restraining order forms to notify the restrained party of the possible immigration consequences for violating a restraining order.

Background

Assembly Bill 439

Assembly Bill 439 (Stats. 2015, ch. 72) amends section 6343 of the Family Code effective January 1, 2016, with a delayed implementation date of July 1, 2016. Currently, a person ordered to complete a 52-week batterer intervention program within a Domestic Violence Prevention Act case is not required to submit proof of enrollment or attendance records to the court or protected person. In addition, the court and protected person do not have access to compliance information unless the person ordered to complete the program has given the program permission to release

The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.

this information. To provide the court and the protected person with access to information about the restrained person's compliance with court-ordered participation in a batterer intervention program, AB 439 amended section 6343 to require the restrained person to 1) enroll with a provider by a deadline ordered by the court or within 30 days of the court order if no specific deadline is ordered; 2) sign all necessary forms with the program to allow the court and protected person access to proof of enrollment, attendance records and completion and termination reports; and, 3) provide the court and protected person with the name, address and phone number of the program.

Assembly Bill 536

Assembly Bill 536 (Stats. 2015, ch. 73) amends section 6305 of the Family Code effective January 1, 2016. Under existing law, the court may not issue mutual restraining orders unless certain findings and requirements are satisfied. One requirement is that both parties must submit written evidence of abuse or domestic violence. Sponsors of Assembly Bill 536 noted inconsistencies across courts in interpreting this requirement and due process concerns when the request was contained in responsive pleadings and not made on an application for restraining order form. Assembly Bill 536 clarifies that this requirement is only satisfied by presenting "an application for relief using a mandatory Judicial Council restraining order application form...written evidence of abuse or domestic violence in a responsive pleading does not satisfy the person's obligation to present written evidence of abuse or domestic violence." Assembly Bill 536 requires the Judicial Council, by July 1, 2016, to modify forms as necessary to provide notice of this new requirement.

Assembly Bill 1407

Assembly Bill 1407 (Stats. 2015, ch. 415) adds section 6347 to the Family Code effective January 1, 2016, with a delayed implementation date of July 1, 2016. The Legislature has found that victims' access to their wireless telephone is important to ensure their safety and access to community resources. The Legislature cites data that shows an increase in cell phone ownership and an overall decrease in households with landlines. The Legislature also cites a recent survey conducted by National Public Radio of 72 shelters across the nation where 85% of the shelters reported serving victims whose abusers tracked them using GPS and 75% of the shelters reported serving victims whose abusers eavesdropped on phone calls using hidden mobile applications. To address these issues, the Legislature has added section 6347 to the Family Code to provide an applicant with the ability to control his or her own cell phone account when the account holder is the proposed restrained person. The new remedy allows the person seeking protection to ask the court to transfer the cell phone account to him or her and the cell phone account of any children in the requesting person's care. If granted, the court would issue an order, directing the cell phone service provider (provider), to transfer all billing responsibilities and rights associated with the telephone numbers to the protected person. The protected person would also have to provide his/her contact information to the provider, which the court must ensure remains confidential in court proceedings.

The Proposal

Assembly Bill 439

To implement changes made by AB 439, the committee proposes to adopt two new forms and revise one existing form, as follows:

NEW DV-805 (Proof of Enrollment for Batterer Intervention Program)

- This form would be used by the person ordered to complete a 52-week batterer intervention program to prove that he or she is enrolled in a program. This form would be filed with the court and should also be served on the protected person.
- The committee is seeking comment on whether this should be a mandatory or optional form.

NEW DV-815 (Batterer Intervention Program Progress Report)

- This form would be used by the person ordered to complete a 52-week batterer intervention program to prove compliance with court orders. The form would be completed by the program provider and filed with the court. The committee seeks to address the new requirements without creating a situation in which restrained parties or programs inadvertently release information in violation of an individual's privacy rights.
- The committee is seeking comment on whether this should be a mandatory or optional form.

Revise DV-130 (Restraining Order After Hearing- Order of Protection)

- At Item 22, include new requirements for restrained persons ordered to complete 52-week batterer intervention program.

Assembly Bill 536

To implement changes made by AB 536, the committee proposes to revise two existing forms, as follows:

DV-120 (Response to Request for Domestic Violence Restraining Order)

- At Item 3, add text to refer litigants to form DV-120-INFO for information on mutual restraining orders and form DV-505-INFO for information on how to apply for a restraining order.

DV-120-INFO (How Can I Respond to a Request for a Domestic Violence Restraining Order)

- Add a new section entitled, "What if I Want a Restraining Order Against the Other Person?" This section will provide information on the legal requirements that must be satisfied in order for the court to issue mutual restraining orders and reference form DV-505-INFO (*How Do I Ask For a Temporary Restraining Order?*).

Assembly Bill 1407

To implement changes made by Assembly Bill 1407, the committee proposes to adopt two new forms and revise four existing forms, as follows:

NEW DV-900 (Order Transferring Cell Phone Account)

- This form would reflect the court's order regarding the transfer of cell phone account(s). The new statutory provision, effective July 1, 2016, requires a separate order be made by the court that is directed to the "wireless telephone service provider." This order must also include the contact information of the protected person (requesting person) which will be contained in a separate attachment that is not filed with the court (see form DV-901, listed below).

NEW DV-901 (Attachment to Order Transferring Cell Phone Account)

- If an order of this kind is made, the cell phone service provider will need the protected person's contact information to process the transfer. This attachment form would be completed by the protected person and not filed with the court. This form and a copy of DV-901 would be sent by the protected person to the cell phone service provider. The statute requires that the order be served on "the wireless service provider's agent for service of process listed with the Secretary of State." Service providers are working to ensure that this information is available on the Secretary of State's website. The committee also proposes including links to the information on the Judicial Council's website.
- The committee is seeking comment on whether this should be a mandatory or optional form.

Revise DV-100 (Request for Domestic Violence Restraining Order)

- At item 15, add "Transfer of Cell Phone Account," an additional remedy available to the requesting person (Note: The addition of this remedy will require adding a page to form DV-100).
- At item 15, add language to notify the requesting party of some of the financial responsibilities that would result from an order of this kind. The committee is seeking comment on whether this notice is clear and accurate.
- At item 27, expand *Description of Abuse* to allow the requesting party space to list another incident of abuse.
- Provide more space in item 23, *Other Orders*, and item 28, *Other Persons to be Protected* (explanation of why additional protected parties should be included on restraining order).
- Items renumbered after item 15.

Revise DV-110 (Temporary Restraining Order)

- At item 15, add "Transfer of Cell Phone Account," as an order that may be made at a noticed hearing.
- Items renumbered after item 15.

Revise DV-130 (Restraining Order After Hearing)

- At item 15, add “Transfer of Cell Phone Account,” as an order that may be made by the court.
- Items renumbered after item 15.
- The new check boxes at the top of page 1, indicating whether the order is new (“Original”) or changed (“Amended”), and the additions to item 25 were circulated for public comment in Spring of 2015 and approved by the Judicial Council on October 27, 2015. Therefore, the committee is not seeking comment on these items.

Revise DV-120 (Response to Request for a Domestic Violence Restraining Order)

- At item 15, add “Transfer of Cell Phone Account,” as a possible request that the responding person would need to answer to.
- Items renumbered to reflect the addition of item 15.

Advisement of Potential Immigration Consequences

In response to suggestions made by judicial officers with experience in domestic violence cases, the committee proposes to include a notice to the restrained person that violation of a protective order may result in immigration consequences. A notice of this kind would help preserve the integrity of court orders by properly notifying the restrained person of the possible consequences of violating domestic violence restraining orders. The committee proposes to add language to DV-110, at page 5, and DV-130, at page 6. The committee notes that criminal courts are already required to make a similar advisement under California Penal Code section 1016.5, when accepting a plea.

Alternatives Considered

Assembly Bill 439

The committee considered not creating the two forms for proof of enrollment in and a progress report from a batterer intervention program. The committee decided that making these forms available could increase the likelihood of compliance by persons ordered to complete a 52-week batterer intervention program.

Assembly Bill 536

The committee considered including a notice on form DV-120 (*Response to Request for Domestic Violence Restraining Order*) that would instruct litigants *not* to use the form to request a restraining order. However, the committee concluded that this notice would not be appropriate because the new requirement enacted by Assembly Bill 536 only applies in instances where the court is going to issue mutual restraining orders pursuant to Family Code section 6305. The court continues to have discretion under Family Code section 6300, to issue restraining orders, with or without notice, based on “affidavit or testimony and any additional information provided to the court pursuant to Section 6306” if such evidence “shows, to the satisfaction of the court,

reasonable proof of a past act or acts of abuse” so long as the court is not issuing mutual restraining orders. If the court issues mutual restraining orders, then the requirements of Family Code section 6305 must be satisfied. For example, a court could issue a restraining order protecting the responding person without an affirmative application for a restraining order by the responding person so long as the court is not also issuing an order protecting the other person.

Assembly Bill 1407

An order transferring a cell phone account made under new Family Code section 6347 will require the court to send a separate order to the service provider that must include the name and contact information of the requesting person (protected person). In considering how to maintain the confidentiality of the protected person’s contact information, the committee considered including the contact information on the order and maintaining the entire order as confidential. However, maintaining the order as confidential would create the need to create a process by which the restrained person could obtain a redacted version of the order.

Implementation Requirements, Costs, and Operational Impacts

The committee anticipates that this proposal will result in some costs incurred by the courts to replace existing forms and to train court staff on new forms and requirements.

Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?
- Does the proposed language in DV-100, item 15, adequately provide the requesting person with notice of the financial responsibilities involved in an order of this kind?
- Should form DV-900, if approved, include instructions for cell phone service providers, as reflected on page 2 of DV-900?
- Should form DV-901, if approved, be a mandatory or optional form?
- Should form DV-805, if approved, be a mandatory or optional form?
- Should form DV-815, if approved, be a mandatory or optional form?
- Does form DV-815, as proposed, meet the statutory requirements without requiring restrained parties or programs to release private or confidential medical or health information otherwise protected by law or not required to be provided under this statute?
- Is the proposed language regarding immigration consequences on DV-110 and DV-130 clear and accurate?

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

- Would the proposal provide cost savings? If so please quantify.
- What would the implementation requirements be for courts? For example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems.
- Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?
- Is the notice provided in plain language such that it will be accessible to a broad range of litigants, including self-represented litigants?
- Would this proposal have any positive or negative impact on low or moderate-income members of the public?

Attachments and Links

1. Assembly Bill 439:

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB439

2. Assembly Bill 536:

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB536

3. Assembly Bill 1407:

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB1407

4. DV-100, at pages 9-14
5. DV-110, at pages 15-20
6. DV-120, at pages 21-24
7. DV-120-INFO, at pages 25-27
8. DV-130, at pages 28-34
9. DV-805, at page 35
10. DV-815, at page 36
11. DV-900, at pages 37-38
12. DV-901, at page 39

Clerk stamps date here when form is filed.

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

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Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 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:

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

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

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

- a. [] We are now married or registered domestic partners.
b. [] We used to be married or registered domestic partners.
c. [] We live together.
d. [] We used to live together.
e. [] We are related by blood, marriage, or adoption (specify relationship): _____
f. [] We are dating or used to date, or we are or used to be engaged to be married.
g. [] We are the parents together of a child or children under 18:
Child's Name: _____ Date of Birth: _____
Child's Name: _____ Date of Birth: _____
Child's Name: _____ Date of Birth: _____

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

[] Check here if you need more space. Attach a sheet of paper and write "DV-100, Protected People" 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 ③ been involved in another court case with the person in ②?

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

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

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

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

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

Check the orders you want.

6 Personal Conduct Orders

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

- a. Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, impersonate (on the Internet, electronically or otherwise), 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 vehicle
- My home The child(ren)'s school or child care
- My job or workplace Each person listed in ③
- My school 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, or vehicle? Yes No (If no, explain):

8 Move-Out Order

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

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

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

This is not a Court Order.



9 Guns or Other Firearms or Ammunition

I believe the person in ② owns or possesses guns, firearms, or ammunition. Yes No I don't know
If the judge approves the order, the person in ② will be ordered not to own, possess, purchase, or receive a firearm or ammunition. The person will be ordered to sell to, or store with, a licensed 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 Care of Animals

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 Transfer of Cell Phone Account

I ask the court to transfer the billing responsibility and rights to the following cell phone numbers to me because the account currently belongs to the person in ②:

- a. Telephone number (including area code): _____ my number child in my care
- b. Telephone number (including area code): _____ my number child in my care
- c. Telephone number (including area code): _____ my number child in my care

Check here if you need more space. Attach a sheet of paper and write "DV-100, Transfer of Cell Phone Account" for a title.

If the judge makes this order, you will be financially responsible for these accounts, including monthly service fees and costs of any mobile devices (examples: cell phones, tablets) connected to these telephone numbers. There may be other fees that you will be responsible for. You should contact the cell phone company to find out what fees you will be responsible for.

This is not a Court Order.



16 **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: _____

17 **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.

18 **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 complete, file, and serve Form FL-150, Income and Expense Declaration, before your hearing).*

19 **Insurance**

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

20 **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.

21 **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: \$ _____

22 **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.

23 **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.

This is not a Court Order.



24 **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"?

25 **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.

26 **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.

27 **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 harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, keep you under surveillance, impersonate (on the Internet, electronically or otherwise), batter, telephone, or contact you; or to disturb your peace; or to destroy your personal property. (For a complete definition, see Fam. Code, §§ 6203, 6320.)

a. Date of most recent abuse: _____

b. Who was there? _____

c. Describe how the person in ② abused you or your child(ren):

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

This is not a Court Order.

27 Describe Abuse (continued)

g. **Has the person in ② abused you (or your child(ren)) other times?**

1. Date of abuse: _____

2. Who was there? _____

3. Describe how the person in ② abused you or your child(ren): _____

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

4. Did the person in ② use or threaten to use a gun or any other weapon? No Yes (If yes, describe): _____

5. Describe any injuries: _____

6. 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

If the person in ② abused you other times, check here and use [Form DV-101](#), Description of Abuse or describe any previous abuse on an attached sheet of paper and write "DV-100, Previous Abuse" for a title.

28 Other Persons to Be Protected

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

29 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.

Clerk stamps date here when form is filed.

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**NOT APPROVED
BY THE JUDICIAL COUNCIL**

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

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

① 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: <input type="checkbox"/> M <input type="checkbox"/> 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 Court Hearing

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

Hearing Date: _____	Time: _____	<input type="checkbox"/> a.m. <input type="checkbox"/> p.m.
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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, impersonate (*on the Internet, electronically or otherwise*), 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 for service of Form DV-120 (*Response to Request for Domestic Violence Restraining Order*) or other legal papers related to a court case 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 (*check all that apply*):
- 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, or store with, a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms within your immediate possession or control. Do so within 24 hours of being served with this order.
 - Within 48 hours of receiving this order, file with the court a receipt that proves guns have been turned in, stored, or sold. (You may use [Form DV-800, Proof of Firearms Turned In, Sold, or Stored](#), for the receipt.) Bring a court filed copy to the hearing.
- 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:

Child custody and visitation are ordered on the attached Form DV-140, *Child Custody and Visitation Order* or (*specify other form*): _____. The parent with temporary custody of the child must not remove the child from California unless the court allows it after a noticed hearing (Fam. Code, § 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: _____

15 Transfer of Cell Phone Account

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

16 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: _____

This is a Court Order.



17 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.

18 Spousal Support

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

19 Insurance

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

20 Lawyer's Fees and Costs

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

21 Payments for Costs and Services

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

22 Batterer Intervention Program

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

23 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.

24 No Fee to Serve (Notify) Restrained Person

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

Date: _____

Judge (or Judicial Officer)

This is a Court Order.



Warnings and Notices to the Restrained Person in ②

If You Do Not Obey This Order, You Can Be Arrested, Charged With a Crime, And You May Also Have Immigration Consequences if You Are Not a U.S. Citizen.

- 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.
- If the court finds that you violated this order and you are NOT a U.S. citizen, you may or will be:
 - Deported;
 - Unable to return lawfully to the U.S.; and
 - Unable to become a U.S. citizen.

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 or store with 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.

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 incorrect, or to find out if the orders were made permanent, contact the court.

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 a parent's paycheck. Child support can be a lot of money, and usually you have to pay until the child is age 18. File and serve a *Financial Statement (Simplified)* (Form FL-155) or an *Income and Expense Declaration* (Form FL-150) if you want the judge to have information about your finances. Otherwise, the court may make support orders without hearing from you.
- **Spousal support:** File and serve an *Income and Expense Declaration* (Form FL-150) so the judge will have information about your finances. Otherwise, the court may make support orders without hearing from you.

Instructions for Law Enforcement

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

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

If the Protected Person Contacts the Restrained Person

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

Conflicting Orders—Priorities for Enforcement

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

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

Child Custody and Visitation

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

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.

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 a Request for Domestic Violence Restraining Order?
Notice: This form is for a response to a restraining order request.

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 five 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 that the other party and I have or had the relationship listed in item 4 on Form DV-100. (Specify your reasons in item 25, 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 25, page 4, of this form.)

6 Personal Conduct Orders

- I agree to the orders requested.
I do not agree to the orders requested. (Specify your reasons in item 25, page 4, of this form.)

This is not a Court Order.



- 7** **Stay-Away Order**
- a. I agree to the order requested.
- b. I do not agree to the order requested. *(Specify your reasons in item 25, 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 25, page 4, of this form.)*

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

- 10** **Record Unlawful Communications**
- a. I agree to the order requested.
- b. I do not agree to the order requested. *(Specify your reasons in item 25, page 4, of this form.)*

- 11** **Care of Animals**
- a. I agree to the order requested.
- b. I do not agree to the order requested. *(Specify your reasons in item 25, page 4, of this form.)*

- 12** **Child Custody and Visitation**
- a. I agree to the order requested.
- b. I do not agree to the order requested. *(Specify your reasons in item 25, 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** *(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 25, 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 (Simplified).

This is not a Court Order.



- 14** **Property Control**
a. I agree to the order requested.
b. I do not agree to the order requested. *(Specify your reasons in item 25, page 4, of this form.)*

- 15** **Transfer of Cell Phone Account**
a. I agree to the order requested.
b. I do not agree to the order requested. *(Specify your reasons in item 25, page 4, of this form.)*

- 16** **Debt Payment**
a. I agree to the order requested.
b. I do not agree to the order requested. *(Specify your reasons in item 25, page 4, of this form.)*

- 17** **Property Restraint**
a. I agree to the order requested.
b. I do not agree to the order requested. *(Specify your reasons in item 25, page 4, of this form.)*

- 18** **Spousal Support**
a. I agree to the order requested.
b. I do not agree to the order requested. *(Specify your reasons in item 25, page 4, of this form.)*
Whether or not you agree, you must fill out, serve, and file Form FL-150, Income and Expense Declaration.

- 19** **Insurance**
a. I agree to the order requested.
b. I do not agree to the order requested. *(Specify your reasons in item 25, page 4, of this form.)*

- 20** **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 25, 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.

- 21** **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 25, page 4, of this form.)*

- 22** **Batterer Intervention Program**
a. I agree to the order requested.
b. I do not agree to the order requested. *(Specify your reasons in item 25, page 4, of this form.)*

- 23** **Other Orders** *(see item 22 on Form DV-100)*
a. I agree to the order requested.
b. I do not agree to the order requested. *(Specify your reasons in item 25, page 4, of this form.)*

This is not a Court Order.



DV-120-INFO **How Can I Respond to a Request for Domestic Violence Restraining 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 Fam. 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.



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

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 five years. Custody, visitation, child support, and spousal support orders can last longer than five 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, or store it with, a licensed gun dealer, or turn it in to a law enforcement agency. Read Form DV-800-INFO, *How Do I Turn In, Sell, or Store 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*.

The diagram shows a section of a form titled "3 Notice of Court Hearing A court hearing is scheduled". Below the title is a box with a rounded corner containing the text "Hearing Date" followed by an arrow pointing to "Date: _____" and "Dept.: _____". A curved arrow points from the text "go to court on the hearing date listed on page 1 of Form DV-109" to the "Hearing Date" box.

What if the person seeking protection contacts me?

No matter what, you have to follow the court order. The order says only 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.



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

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 or U.S. Citizenship?

The order is valid even if you are not a U.S. citizen or lawful permanent resident (Green Card holder). If you are worried about your immigration status, 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 Response* (Form MC-410). (Civ. Code, § 54.8.)

What if I want a restraining order against the other person?

In order for the court to grant a restraining order, the court must find that the legal requirements are met (see page 1 of this form). If the court finds that both parties have been abused by the other party the court can grant restraining orders protecting both parties from the other, also called mutual restraining orders, but ONLY if:

- 1) Both people are in court at the hearing;
- 2) Each person gives the court written evidence of abuse or domestic violence on Form DV-100; and,
- 3) The judge finds that neither party acted primarily in self-defense and both acted as "primary aggressors."

For more information on how to ask your own restraining order read Form DV-505-INFO (*How Do I Ask For a Temporary Restraining Order?*).

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]

Clerk stamps date here when form is filed.

Original Order Amended Order

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:

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 items 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 Dept.** _____ **of the 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, impersonate (*on the Internet, electronically or otherwise*), 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 for service of legal papers related to a court case 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 (check all that apply):
- The person in ① School of person in ①
- The persons in ③ The child(ren)'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): _____

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.

This is a Court Order.

- 9 b. The person in 2 must:
- Sell to, or store with, 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. Do so within 24 hours of being served with this order.
 - Within 48 hours of receiving this order, file with the court a receipt that proves guns have been turned in, sold, or stored. ([Form DV-800, Proof of Firearms Turned In, Sold, or Stored](#), may be used for the receipt.) Bring a court filed copy to the hearing.
- c. The court has received information that the person in 2 owns or possesses a firearm.
- d. The court has made the necessary findings and applies the firearm relinquishment exemption under Family Code section 6389(h). Under California law, the person in 2 is not required to relinquish this firearm (*specify make, model, and serial number of firearm*): _____
 The firearm must be in his or her physical possession only during scheduled work hours and during travel to and from his or her place of employment. Even if exempt under California law, the person in 2 may be subject to federal prosecution for possessing or controlling 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 **Care of Animals**
 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 **Transfer of Cell Phone Account**
 The court has made an order transferring one or more wireless service accounts from the person in 2 to the person in 1. These orders are contained in a separate order (Form DV-900).

16 **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 are ordered. List them on an attached sheet of paper and write "DV-130, Debt Payments" as a title.

This is a Court Order.



17 **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 “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.

18 **Spousal Support**

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

19 **Insurance**

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

20 **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: _____

21 **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 are ordered. List them on an attached sheet of paper and write “DV-130, Payments for Costs and Services” as a title.

22 **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.

23 **Other Orders**

Other orders *(specify)*: _____

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

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

This is a Court Order.

25 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 on the request for original orders. The person in ② was not present.
 - (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. The person in ② must be personally “served” (given) a copy of this order.
- c. Proof of service of Form FL-300 to modify the orders in Form DV-130 was presented to the court.
 - (1) The people in ① and ② were at the hearing or agreed in writing to this order. No other proof of service is needed.
 - (2) The person in ① ② was not at the hearing and must be personally “served” (given) a copy of this amended order.

26 Criminal Protective Order

- a. Form CR-160, *Criminal Protective Order—Domestic Violence*, is in effect.
Case Number: _____ County: _____ Expiration Date: _____
- b. Other Criminal Protective Order in effect (*specify*): _____
Case Number: _____ County: _____ Expiration Date: _____
(List other orders on an attached sheet of paper. Write “DV-130, Other Criminal Protective Orders” as a title.)
- c. No information has been provided to the judge about a criminal protective order.

27 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.**

This is a Court Order.



Warnings and Notices to the Restrained Person in ②

If You Do Not Obey This Order, You Can Be Arrested, Charged With a Crime, And You May Also Have Immigration Consequences if You Are Not a U.S. Citizen.

- 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.
- If the court finds that you violated this order and you are NOT a U.S. citizen, you may or will be:
 - Deported;
 - Unable to return lawfully to the U.S.; and
 - Unable to become a U.S. citizen.

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. Unless the court grants an exemption, you must sell to, or store with, 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. Even if exempt under California law, you may be subject to federal prosecution for possessing or controlling a firearm.

Instructions for Law Enforcement

Start Date and End Date of Orders

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

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

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

Arrest Required if Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code 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. (Fam. Code, § 6383.)

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

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

This is a Court Order.

If the Protected Person Contacts the Restrained Person

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

Child Custody and Visitation

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

Enforcing the Restraining Order in California

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

Conflicting Orders—Priorities for Enforcement

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

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

(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.

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

Court fills in case number when form is filed.

Case Number:

1 Protected Person

Name: _____

2 Restrained Person

a. Your Name: _____

Your Lawyer (if you have one for this case): _____

Name: _____ State Bar No.: _____

Firm Name: _____

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

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-mail Address: _____

3 To the Restrained Person:

If the court has ordered you to complete a 52-week batterer intervention program, you may use this form to prove to the court that you have obeyed its orders. After the order is made, you must enroll in a program by the date ordered by the judge. If the judge did not order you to enroll by a certain date, then you must enroll no later than 30 days after the judge made the order.

4 Batterer Intervention Program

a. I have enrolled in a batterer intervention program:

Name of provider: _____

Address: _____

Telephone number: _____

- b. This program has been approved by the probation department.
- c. I have signed all necessary forms with the program, allowing the program to release proof of enrollment, attendance records, and completion or termination reports to the court and the protected party, or his or her attorney.
- d. My first class is/was:
- e. Other (list any other order made by the court that you have completed):

f. You must provide the protected party with the information listed in ①. You can do so by mailing the protected party a copy of this form.

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

Clerk stamps date here when form is filed.

DRAFT
NOT APPROVED
BY THE JUDICIAL
COUNCIL

1 Name of Protected Person: _____

2 Name of Restrained Person: _____

Lawyer for Restrained Person (if applicable):

Name: _____ State Bar No.: _____

Address (Address of lawyer or address of restrained person. Do not provide an address that should be kept private.): _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-mail Address: _____

Fill in court name and street address:

Superior Court of California, County of

3 Batterer Intervention Program
(items 3 through 5 must be completed by the program)

a. Name of Program: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

Report date: _____ Intake date: _____ Class start date: _____

Court fills in case number when form is filed.

Case Number:

b. This 52-week program is approved by the probation department under Penal Code section 1203.097.

TO PROGRAM STAFF: If you choose to provide another report that contains all the information in 4, skip to 5 and attach you report. Do not forget to provide your name, signature and date at the end of this form.

4 Program Attendance and Progress

a. Number of sessions completed: _____ Number of sessions missed: _____

Of the sessions missed, how many excused? _____

b. The person in 2 is participating and expected to finish by (date): _____

c. The person in 2 successfully completed on (date): _____

d. The person in 2 was terminated from the program on (date): _____, for the following reason (explain): _____

5 Optional Report

The attached report includes all information required under California Family code section 6343.

NOTICE TO PROGRAM PROVIDER

This form should NOT be used to disclose information that is protected under state and federal laws without appropriate written authorization from the person in 2 (example: medical information)

The above information is true and correct to the best of my knowledge.

Date: _____

(TYPE OR PRINT NAME AND TITLE)



(Signature of program staff)

Clerk stamps date here when form is filed.

TO THE CELL PHONE SERVICE PROVIDER: This order is made under California Family Code section 6347. This order applies to the following cell phone service provider:

Name: _____

Address *(see service provider's agent for service of process listed with Secretary of State)*:

The **current account holder** to the telephone number(s) listed in item ① is:

Name: _____

Billing account telephone number: _____

DRAFT

**NOT APPROVED
BY THE JUDICIAL
COUNCIL**

Fill in court name and street address:

Superior Court of California, County of

**THE COURT ORDERS THE FOLLOWING:
TRANSFER OF RIGHTS AND RESPONSIBILITIES**

Fills in case number:

Case Number:

① **This order applies to the following cell phone number(s):**

Telephone number *(include area code)*: _____

Check box to include attachment with additional telephone number(s).

② All rights and responsibilities for the accounts listed in ①, including all financial responsibility for the telephone numbers, monthly service costs, and costs for any mobile device associated with the telephone numbers, must be transferred to:

(Name of new account holder): _____, effective (specify date): _____

The new account holder's information is contained on the attached confidential form.

③ The requesting party must send this order to the cell phone service provider listed above.

Date: _____

Judicial Officer

This is a Court Order.

Case Number:

INSTRUCTIONS FOR CELL PHONE SERVICE PROVIDER

The orders contained on page 1 of this form must be performed unless the cell phone service provider (provider) cannot operationally or technically effectuate the order due to certain circumstances, including, but not limited to, any of the following:

- When the current account holder has already terminated the account;
- When differences in network technology prevent the functionality of a device on the network; and
- When there are geographic or other limitations on network or service availability

If the provider determines that transfer CANNOT occur, then the provider MUST notify the person in ② within 72 hours of receipt of this order (California Family Code section 6347).

This is a Court Order.

Your name: _____

Case Number: _____

**ATTACHMENT TO
ORDER TRANSFERRING CELL PHONE ACCOUNT (form DV-900)**

Confidential Information

DO NOT FILE THIS FORM WITH THE COURT

ATTENTION PROTECTED PERSON: This form should not be filed with the court. Complete this form and send it to the cell phone service provider (*service provider*). You must also send a copy of the order (Form DV-900) with this form.

To be completed by Protected Person:

① Your name (*New account holder*): _____

② Your contact information (*This information will be used by the cell phone service provider only. The service provider will use this information to contact you to set up your account*):

The best phone number to reach me at is: _____

Another phone number to reach me at is (*list a phone number that is not controlled by the restrained person*):

Email address (*optional*): _____

Mailing address (*optional*): _____

③ The Restrained Person is (*name*): _____

WHERE SHOULD I SEND FORM DV-900 AND THIS FORM (DV-901)?

To find out where to send these forms, go to the Secretary of State’s website at (*link inserted once available*) OR check at (*link to Judicial Council’s website inserted once available*) and search for your service provider. You will be able to send the forms by mail, email or fax, depending on who the provider is. The account(s) will NOT be transferred to you if you do not send these forms to the service provider.

ATTENTION CELL PHONE SERVICE PROVIDER

Under the Domestic Violence Prevention Act, California Family Code section 6347, the information contained on this form is **CONFIDENTIAL** and must not be disclosed to the Restrained Person (*listed in ③*).