



SUPERIOR COURT OF STANISLAUS COUNTY

www.stanislaus.courts.ca.gov

(209) 530-3100

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Mailing Address: P.O. Box 1098 Modesto, CA 95353

Self Help Center: 800 11th Street Room #220 Modesto, CA 95353

(PROVIDING ASSISTANCE TO PARTIES REPRESENTING THEMSELVES)

DOMESTIC VIOLENCE PROTECTED PERSON'S PACKET

All documents must be typed or printed legibly per Rules of Court 2.104, in blue or black ink.

This packet includes the necessary forms to obtain a temporary restraining order.

Judicial Council forms, local forms, and information are available in the Clerk's Office, the Stanislaus County Law Library located at 1101 13th Street, Modesto, CA and on the following websites:

- **Stanislaus County Superior Court:** www.stanislaus.courts.ca.gov
- **Judicial Council's Self Help:** www.selfhelp.courts.ca.gov
- **Judicial Council Forms:** www.courts.ca.gov/forms-rules/find-your-court-forms
- **Stanislaus County Law Library:** www.stanislauslawlibrary.org
- **California's Free Website for Legal Help:** www.lawhelpcalifornia.org

REQUIRED FORMS:

- CLETS-001 - Confidential CLETS Information
- DV-100 - Request for Domestic Violence Restraining Order
- DV-109 - Notice of Court Hearing
- DV-110 - Temporary Restraining Order
- DV-200 - Proof of Personal Service

ATTACHMENT FORMS:

The following forms are provided in this packet and may be used if they apply to your circumstances:

- MC-020 - Attachment to Domestic Violence
- DV-101 – Description of Abuse
- DV-105 - Child Custody, Visitation and Support Request (attachment to DV-100)
- DV-140 - Child Custody and Visitation Order
- FL-150 - Income and Expense Declaration (Only required if addressing support issues)

If you are requesting Child Abduction Prevention Orders, then you MUST attach the following forms to DV-105 and DV-140. These forms are available at the clerk's office, Self Help Center or at the Judicial Council's Website: www.courts.ca.gov/formsrules.htm.

- **DV-108 – Request for Order; No Travel with Children (attachment to DV-105)**
- **DV-145 – Order: No Travel with Children (attachment to DV-140)**

NOTES:

If you are seeking orders regarding economic issues (example: child support or spousal support), you **MUST** file either an Income and Expense Declaration (**FL-150**) or a Financial Statement (**FL-155**). The Income and Expense Declaration is included in this packet. If your only source of income is TANF, SSI, or GA/GR or if you have applied for TANF, SSI, or GA/GR, the Financial Statement is available upon request. Both forms are accessible on the Judicial Council website listed above. The Income and Expense Declaration can be typed directly from the website and the calculations will be computed for you.

Parties are encouraged to review and comply with Local Rules regarding Family Law proceedings. Local Rules can be located on the following Superior Court website: www.stanc.org.

Material distributed by the Superior Court Clerk's Office or Self Help Center **IS INTENDED FOR INFORMATIONAL AND EDUCATIONAL PURPOSES ONLY**. Such material is **NOT LEGAL ADVICE** and is not intended to be legal advice as to your specific case. **IT IS NOT INTENDED TO TAKE THE PLACE OF LEGAL ADVICE FROM AN ATTORNEY**. You are strongly urged to seek the advice of a licensed attorney before starting or completing your case in order to protect valuable legal rights that you may have, of which you may be unaware of. Please contact an attorney of your, the Clerk's Office cannot give you legal advice.

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 by someone they've had an intimate relationship with, are closely related to, or have lived with as more than just roommates.

How can a restraining order help me?

A judge can order the restrained person to:

- Not contact you, your children or relatives, or people you live with;
- Stay away from you, your children or relatives, or people you live with, your home, your job, etc.;
- Not have any firearms (guns, including "ghost guns"), firearm parts, ammunition, or body armor;
- Move out of a home that you live in;
- Obey child custody and visitation orders;
- Pay child support;
- Pay spousal support;
- Pay debt for property; and
- Give you control of property (examples: cell phone, car, home).

Does this request cost money to file?

No, filing this request with the court is free.

How long can a restraining order last?

If the judge makes a temporary order, it will last until your hearing date (court date). Your hearing is usually three weeks after you turn in your court papers. At your hearing, the judge will decide whether to grant you a long-term restraining order that can last up to five years.

How soon can I get the order?

If you decide to ask for a restraining order, you will need to complete court papers. Once you turn in your court papers, a judge will decide the same day or next business day on whether to grant you a temporary restraining order.

How old must I be to ask for one?

To ask for a restraining order on your own, you must be 12 years old or older. In some cases, the judge may ask that an adult (someone 18 years old or older), like a trusted relative, help you in your case.

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, you may want to talk with an immigration lawyer.

Can a restraining order protect my children?

Yes, you can ask the judge to protect your children. If you are asking for a restraining order against someone you have children with, you can also ask the judge to make child custody and visitation orders. And if you think that the other parent might abduct (kidnap) your children, you can ask for orders to prevent kidnapping.

Can I use a 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.



Am I eligible?

To qualify for a domestic violence restraining order, you must have a (1) required relationship and (2) show that the person you want a restraining order against has been abusive.

Required relationship

- Your spouse, ex-spouse, registered domestic partner, or ex-registered domestic partner;
- Someone you have a child with;
- Your parent, child, sibling, or grandparent (includes in-laws and step relationships);
- Someone you live with or used to live with (more than just roommates);

Abuse

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

What does disturbing the peace mean?

- It means to destroy someone's mental or emotional calm. Disturbing the peace includes coercive control. Coercive control means a number of acts that unreasonably limit the free will and individual rights of any person. Examples include:
- Isolating someone from their friends, relatives, or other support;
 - Keeping them from food or basic needs;
 - Controlling or keeping track of them, including their movements, contacts, actions, money, or access to services;
 - Threats to immigration status;
 - Making them do something that they don't want to do; and
 - Controlling or interfering with someone's contraception (birth control, condoms); pregnancy or ability to become a parent; or access to health information.

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

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

- Civil harassment order (can be used for neighbors, roommates, cousins, uncles, and aunts).
- Dependent adult or elder abuse restraining order (if you are at least 65 or a dependent adult).
- Gun violence restraining order (to prevent someone from hurting themselves or others with a firearm).

Note that all restraining orders include a firearms and ammunition restriction. A gun violence restraining order gives limited protection because it only restrains the person from having firearms and ammunition. To learn more about other kinds of restraining orders, go to: <https://selfhelp.courts.ca.gov/restraining-orders>.

How do I ask for a domestic violence restraining order?

See form DV-505-INFO, *How to Ask for a Domestic Violence Restraining Order*. The forms are available online at www.courts.ca.gov/forms. If you want a paper copy, go to any California courthouse. You can also check with your county's law library.

Will I have a court hearing (court date)?

Yes. The court will give you a day and time to attend court. If you want to attend court remotely (by phone or videoconference), go to the court's website to find out how to attend remotely. To learn more about what to expect at your hearing, read form DV-520-INFO, *Get Ready for Your Restraining Order Court Hearing*, or go to: <https://selfhelp.courts.ca.gov/DV-restraining-order/prepare-court-date>.

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

Do I need a lawyer to make this request?

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

Where can I find a self-help center?

Find your local court's self-help center at www.selfhelp.courts.ca.gov/find. Self-help center staff will not act as your lawyer but may be able to give you information to help you decide what to do in your case, and help you with the forms.

What if I need an interpreter?



If you decide to ask for a restraining order, you will need to talk to a judge. If you need an interpreter, use form INT-300 to request an interpreter or ask the court clerk how you can request one.

I have a disability. How can I get help?

You may use form MC-410 to request assistance. Contact the disability or ADA coordinator at your local court for more information.

Request for Accommodations



Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to www.courts.ca.gov/forms.htm for *Disability Accommodation Request* (form MC-410). (Civil Code section 54.8.)

Confidential Address Program

If you are a victim of domestic violence or live with a victim of domestic violence, there is a special program called Safe At Home that you can apply for. It is a free program that would help you keep your address private. To learn more about the program, go to: <https://www.sos.ca.gov/registries/safe-home/>. Note that it may take several weeks to be approved.

For more information on other steps of the process

- Form DV-505-INFO, *How to Ask for a Domestic Violence Restraining Order*
- Form DV-200-INFO, *What Is "Proof of Personal Service"?*
- Form DV-520-INFO, *Get Ready For Your Restraining Order Court Hearing*
- Form DV-530-INFO, *How to Enforce Your Restraining Order*

Information about the court process is also available online

<https://selfhelp.courts.ca.gov/DV-restraining-order/process>.

Where can I find other help?

The National Domestic Violence Hotline provides free and private safety tips. Help is available every day, 24 hours a day, and in over 100 languages. Visit online at www.thehotline.org or call 1-800-799-7233; 1-800-787-3224 (TTY).

Part 1: Complete court forms

You will need to complete at least three forms to ask for a domestic violence restraining order:

Required forms:

- Form DV-100;
- Form DV-109;
- Form DV-110; and
- Form CLETS-001.

Optional forms:

If you have a child or children with the other side, you can ask for additional protection, like child custody orders. To make these requests, you must complete two more forms:

- Form DV-105; and
- Form DV-140.

If you want to ask for child support or spousal support, make the request on form DV-100 (see item ②④ or ②⑤) and complete one more form:

- Form FL-150.

Most court forms are public documents.**What does "public" mean?**

When you file papers with the court, those papers become "public." This means that anyone may ask the court to see the information you put on your papers. Also, the person you are asking for protection from will see all the information on your court papers, because you will have to have these papers personally delivered to the them. This is called "personal service," and more information is available on form DV-200-INFO, *What Is "Proof of Personal Service"?*

How old must I be to ask for my own restraining order against someone?

To ask for a restraining order, you must be 12 years old or older. In some cases, the judge may ask that an adult (someone 18 years old or older), like a trusted relative, help you in your case.

Tips for completing form DV-100**Required relationship**

At item ③, you must have one of the listed relationships between you and the person you want protection from. If none apply, go to <https://selfhelp.courts.ca.gov/restraining-orders> for information on other types of restraining orders you might qualify for.

Describe the abuse

At items ⑤ – ⑦, you must describe the abuse that happened. This part is important, because a judge will decide whether to give you a restraining order based on the information you give. For more information of what abuse means under the law, see form DV-500-INFO, *Can A Domestic Violence Restraining Order Help Me?*

I don't want people to see my address

You may not want someone to be able to see certain information, like your address. You do not have to give the address to where you live on form DV-100, item ①. You can use a different address, like a friend's address or P.O. box. Just be sure to get the person's permission to use their address first, because any papers the court or other side mails to you will go to the address you list in item ①. And make sure that person will tell you right away if you get mail from the court.

I don't want people to see information I provide about a child (minor)

You can ask the court to make some of the information you provide about a child private (confidential). If the court makes information about a child private, the public will not be able to see this information on your court papers. See form DV-160-INFO for help with asking the court to make a child's information private.

What if the other side has firearms (guns)

or ammunition?

In item 9, list information you have about any firearms (guns), firearm parts, or ammunition that the other side might own or have access to. This information is important to the judge. The judge can notify law enforcement about any firearms, including illegal or untraceable firearms called "ghost guns." Once notified, law enforcement must do what they can to get the firearms if there is a restraining order in place.

What does "Other orders" (item 14) mean?

This section allows you to make any special requests that you need to prevent more abuse by the other side.

What is the difference between "Pay Debts

Owed for Property (item 22) and "Pay

Expenses Caused by the Abuse (item 23) ?

If you want the other side to pay a debt owed for property, like a car or mortgage, you can make this request at item 22. If you want the other person to pay you back for damage that happened because of their abuse, like breaking your cellphone or for medical bills, you can make this request at item 23.

What is "Spousal Support" (item 25) ?

If you are married to the person you want protection from or in a registered domestic partnership, you can ask a judge to order them to pay you spousal support. The amount of spousal support depends on different factors, including how much you make versus how much the other side makes. It is important to know that in California, you cannot get spousal support for "common law" marriages, where parties have lived like a married couple but never legally married. California does not recognize "common law" marriage.

What is a "Batterer Intervention Program" (item 27) ?

In most cases, it is a year-long program that helps a person recognize abusive behavior so that they will stop the abuse. Unlike anger management programs, the goal of batterer intervention programs is to stop a person from using power and control in their relationships. If ordered to complete the program by a judge, the restrained person will have to pay program fees. The program will keep track of progress and attendance.

Part 2: File your court papers

Filing is when you turn in your completed court papers to the court. To file your court papers, you can call the court clerk to find out which courthouse to go to. If you want to file online (e-file), check your local court's website for more information. To find your local court or their website, go to:

www.courts.ca.gov/find-my-court.htm.

Part 3: Get your papers from court

After you turn in your court papers, you will need to get them back from the court. Your papers will be ready the same day or the next business day. Ask the court clerk when your court papers will be ready. You may have to return to the courthouse to pick up your papers if the court cannot return them to you electronically. Look at your papers to see if the judge granted you a temporary restraining order, on form DV-110.

► If the judge **granted** you temporary protection and you want it to last longer, make sure you attend your court hearing (listed on form DV-109).

► If the judge **did not** grant you a temporary restraining order, the judge can grant you a restraining order at your court hearing (listed on form DV-109).

Part 4: Have someone serve your papers

You must have an adult personally give a copy of all your court papers to the person you want a restraining order against. It cannot be you or anyone listed on the restraining order. Serving papers can be a dangerous situation. If you want the sheriff to serve your papers, they will do so for free. For more information on service, read form DV-200-INFO, *What Is "Proof of Personal Service"?*

Part 5: Get ready for and go to your court hearing

At your court hearing, the judge will decide whether to grant you a long-term restraining order that can last up to five years. You have the option of attending your hearing in-person or remotely (by phone, or videoconference if available). For information on how to attend your hearing remotely, go to the court's website. Some courts may require advance notice. At the hearing, you and the other side will have the opportunity to tell your side of the story. For more information, read form DV-520-INFO, *Get Ready for the Restraining Order Court Hearing*. If you need more time to prepare your case, you may ask for a new court date. Read form DV-115-INFO, *How to Ask For a New Hearing Date*, for more information.

Information about the process is also available online

<https://selfhelp.courts.ca.gov/DV-restraining-order/process>.

Where can I find free help?

Free legal help is available at your court's self-help center. Find your local court's self-help center at www.selfhelp.courts.ca.gov/find. Self-help center staff will not act as your lawyer but may be able to give you information to help you decide what to do in your case, and help you with the forms. Staff may also refer you to other agencies who may be able to help you.

What if I am worried about my safety?

The National Domestic Violence Hotline provides free and private safety tips. Help is available every day, 24 hours a day, and in over 100 languages. Visit online at www.thehotline.org or call 1-800-799-7233; 1-800-787-3224 (TTY).

Make arrangements before your court hearing

- **If you or a witness wants to attend court remotely (by phone or videoconference)**

Check the court's website as soon as possible to see what you need to do to attend remotely. You can use www.courts.ca.gov/find-my-court.htm to find your court's website.

- **Court interpreter:** If you need an interpreter, use form INT-300 to request an interpreter or ask the court clerk how you can request one. You can also use this form to ask for an interpreter for a witness.
- **Childcare:** Find childcare because court may take all morning or afternoon, even all day. Some courts have a Children's Waiting Room, a safe place for children to wait while parents are in court. You can check with your court in advance to see if this is available.
- **Support person:** You can have someone attend court with you. The person you bring cannot speak for you but can sit next to you when your case is called (if you attend in person). If you attend by videoconference, your support person can also attend with you.
- **Disability accommodation:** You may use form MC-410 to request assistance. Contact the disability/ADA coordinator at your local court for more information.

Bring evidence or witnesses to your court hearing

If you have evidence or witnesses, read the information below. Bringing evidence or witnesses is optional and not required. Your statements alone can be proof for your case. If you are the person asking for the restraining order you will have to convince the judge that abuse occurred. The judge will make a decision based on all evidence and statements made by both sides.

- **Evidence:** Evidence can include pictures, emails, medical records showing injuries, police reports, etc. If you have evidence, you will need to make it available to the judge and other side to see. Sometimes the judge cannot look at or consider certain documents. The judge will decide which documents can be included in your case. If you are attending court in person, bring three copies of your written evidence, if you have not already filed and served it on the other side. If you have evidence and want to attend your court date by phone or videoconference, contact your local self-help center for information on how to share your evidence with the judge and other side
- **Witnesses:** You can ask the judge to allow witnesses to speak at your court hearing. If you have a lot of witnesses, you may need to complete paperwork before your court hearing. Ask your local self-help center for more information.

Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to www.courts.ca.gov/forms.htm for *Disability Accommodation Request* (form MC-410). (Civil Code section 54.8.)

Tips for your court hearing

Plan what you want to say to the judge

It may help to plan out and make notes about what you want to say to the judge. If needed, you can use your notes for your court hearing. Read over the court papers in your case and write out anything else you want the judge to know. Focus on the facts and details that support your side of the story. Go over any papers you received from the other side. Try to understand what they are asking for and arguing in the case (their allegations). If you do not agree, tell the judge. Think about and write down how you want to defend against their arguments

Attend early and safely

Show up or call in to your hearing early. If you are attending online, practice using the technology, like Zoom, before your court date. If you are late, you may miss your case being called. If you might be late, try to call the court right away to let courtroom staff know that you will be late.

► If you attend in person, do not sit near or talk to the other person. If you are afraid of the other person, tell the officer who is in the courtroom.

► If you attend by videoconference, and you don't want the other side to see where you are or your phone number (if you call in), talk with an advocate about how to safely attend using videoconference. This may include using a virtual background or using another phone number to call in. You can contact the National Domestic Violence Hotline for free help. See page 4 for information.

Follow courtroom rules

Here are some common rules:

- Put your cellphone on silent mode, if you're attending in person.
- Do not eat or drink during your hearing, except for water.
- Do not wear a hat or sunglasses on your head.
- When speaking to the judge, call the judge "Your honor" or "judge."
- Don't interrupt anyone who is speaking.
- Wait until it's your turn to speak and let the judge know you want a chance to speak

What will happen during my case?

The judge will give both sides time to speak

Usually, the judge asks the person who wants the restraining order to talk first. No matter who talks first, you will both get a chance to speak. Attending court can be difficult and stressful but it is important not to talk over anyone. If you have something to say and it is not your turn, let the person finish talking and then ask the judge for permission to speak.

The judge will reschedule your court hearing or make a decision

► There are a few reasons why the judge may have rescheduled your court date. This is called a continuance. Here are some examples:

- Person asking for the restraining order did not serve the other side in time (by the deadline).
- The judge needs to set aside more time to hear your case.
- If the restrained person has not filed a response (form DV-120) and asks for more time to prepare for the case, the judge must grant their request if they ask for one at the first court date.

If the judge reschedules your court date, the judge will usually extend the temporary restraining order, if one was granted. If the judge reschedules your court date, make sure you get a new order (form DV-116, *Order on Request to Continue Hearing*).

► If the restraining order is denied, this means that the judge has decided that there was not enough evidence to prove that abuse happened. This means that your restraining order case is finished and any temporary protection expires.

► If the restraining order is granted, this means that the judge has decided that there is enough evidence to prove that abuse happened. You should go over the restraining order to make sure you understand all the orders. See the next page for information on next steps.

What do I do after a restraining order is granted?

If you've had your day in court and the judge granted you a long-term restraining order, you may have a couple more steps to take. Make sure all steps are completed as soon as possible. If you do not, the police may not be able to enforce your restraining order.

Protected person:

- ① Your restraining order will be on form DV-130, *Restraining Order After Hearing*. If you don't have a form DV-130 that is signed by the judge, check with the clerk to see if one was filed. If it has, ask for a copy. If one has not been filed, you will need to fill out:
 - Form DV-130 (required).
 - Form DV-140, *Child Custody and Visitation Order* (required if court made orders for your children).
 - Form FL-342, *Child Support Information and Order Attachment*, or form FL-343, *Spousal, Domestic Partner, or Family Support Order Attachment*, if the judge orders child support or spousal support.
- ② Turn in your completed form(s) to the court clerk. The clerk will then give it to the judge to review and sign. You will need to pick it up once it is signed. Ask the court clerk when your forms will be ready. There is no fee for turning in this form, and you should receive some free copies.
- ③ Look at form DV-130 to see if the judge ordered you to serve the form by mail or in person. If you are ordered to serve the form by mail, this means your server only has to mail a copy of the restraining order. But, serving someone in person is always best. When you mail court papers, it may be hard to prove that the person actually received a copy especially if the person moves a lot. Learn more about service at: <https://selfhelp.courts.ca.gov/DV-restraining-order/serve-longterm-order>.

Restrained person:

- ① You must obey orders the judge makes. The orders will be on form DV-130, *Restraining Order After Hearing*. If you do not obey them, you could be arrested, or convicted of a crime.
- ② If you have any prohibited items (firearms (guns), firearm parts, ammunition), you must bring all items to a licensed gun dealer or police. For more information, read form DV-800-INFO/JV-270-INFO, *How Do I Turn In, Sell, or Store My Firearms, Firearm Parts, and Ammunition?* The information is also available online at: www.selfhelp.courts.ca.gov/respond-to-DV-restraining-order/obey-firearms-orders. Free help is also available at your local self-help center. Find your local court's self-help center at www.courts.ca.gov/selfhelp.

What if I have a child with the other side?

If you ask for child custody or visitation (parenting time) orders, the judge may have you meet with a court professional to see if you and the other parent can agree on parenting time. This process is called "mediation." You can ask to meet separately and not with the other side in your case. Ask the court staff how you can make this request. For more information on mediation, go to: www.selfhelp.courts.ca.gov/child-custody/what-to-expect-mediation.

What happens if I don't attend the court hearing?

► If you asked for a restraining order and you do not attend the hearing, any protection you have in this case will expire. If the other side attends the hearing and you don't, the judge could make some orders against you, like lawyer's fees. To get another restraining order, you would have to fill out and file a new set of forms. If you've changed your mind and no longer want a restraining order, talk with self-help center staff or a lawyer.

► If someone asked for a restraining order against you, and you do not attend the hearing, a judge may grant a restraining order against you without hearing your side. The order can last for up to five years, and can include orders regarding children or property that you have with the person asking for protection.

Information about the court process is also available online

<https://selfhelp.courts.ca.gov/DV-restraining-order/process>.

Where can I find a self-help center?

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

Where can I find other help?

The National Domestic Violence Hotline provides free and private safety tips. Help is available every day, 24 hours a day, and in over 100 languages. Visit online at www.thehotline.org or call 1-800-799-7233; 1-800-787-3224 (TTY).

Report a violation to the police

Now that you have a domestic violence restraining order, you may need to enforce it if the restrained person violates the order. Enforce usually means to call the police to report a violation. To have the police enforce your order, call 911. If the restrained person has firearms (guns), "ghost guns" (a homemade or unregistered gun), or other weapons, make sure to tell the police.

What can the police do?

The police can arrest the restrained person for violating the restraining order. Based on your report of the violation, the district attorney or prosecutor can charge the restrained person with a crime. If you have questions about a case or whether a criminal case was filed, you can call the District Attorney's Office in your county, or the county where the violation happened. The restrained person can go to jail or pay a fine if convicted of violating your restraining order.

Ask the judge to act on the violation

Violating the restraining order means that the restrained person did not obey the judge's order. This could have consequences for the restrained person. For example, if you have a child with the restrained person, a violation could affect the restrained person's parenting time with your child. You can ask the judge to change custody or visitation orders because of the violation. You can also ask the judge to order the restrained person to pay you or the court money as "sanctions" or to hold the restrained person "in contempt of court," and the restrained person can be ordered to pay money to the court, do community service, and/or spend up to five days in jail per violation. For more information about what a judge can do, contact your local self-help center or talk to a lawyer. For more information about self-help centers, see page 2.

What form is my restraining order on?

Here are some examples:

- DV-130
- DV-730
- CR-160
- DV-110
- DV-116
- EPO-001

Keep a copy of your restraining order with you

You should have a copy of your restraining order with you at all times. Make sure it is the **most recent** restraining order and still in effect (not expired). If you have more than one, have a copy of each one. If you have a cellphone, use your cellphone to take a picture of all the pages so you always have proof of it. If the restrained person was not at the court hearing, make sure you have a copy of the proof of service form too. The proof of service proves that the restrained person knows about the restraining order and must follow the order.

What if the judge granted orders to protect my children?

You can give a copy of the restraining order to any place that your child will be. If the restrained person is not allowed to have access to your child's medical records, school records, or other information, make sure to let your child's providers know right away. It may be a good idea to change your passwords to any shared online accounts, and update your contact information with those providers.

Give copies of the order to other people

Where can I find other help?

If you want other people to know about your restraining order and help you enforce it, give them a copy. This is optional and should only be done if it is safe to do so. Here are some examples:

- Your child's school or childcare, if your restraining order protects your child.
- Other people protected by your restraining order, when appropriate.
- Your employer, if you are worried about being harassed or abused at work.
- Local police department: Giving a copy to your local police department is optional because all law enforcement agencies have access to restraining orders through a law enforcement database.

What if I have more than one restraining order against the same person?

Keep a copy of all active restraining orders with you. If you call the police to enforce the order, the police will need to follow the rules of enforcement (see "Priority of Enforcement" listed on the back of forms DV-110, DV-130, and CR-160). If you have questions about any of the orders, contact your local self-help center or talk to a lawyer.

Where can I find a self-help center?

Find your local court's self-help center at www.courts.ca.gov/selfhelp. Self-help center staff will not act as your lawyer but may be able to give you information to help you decide what to do in your case, and help you with the forms.

Yes, I need an Interpreter!

Sí, necesito un Intérprete!

Name (Nombre): _____

Case Number (Número de caso): _____

Language/Dialect Spoken (Que idioma/dialecto habla):

☐ **Spanish (Español)** **Dialecto:** _____

☐ **Other:** _____ **Dialect:** _____

Person requesting an Interpreter is:

Persona que solicita el intérprete es:

☐ **Petitioner** (Solicitante)

☐ **Respondent** (Demandado)

☐ **Protected Person** (Persona Protegida)

☐ **Restrained Person** (Persona Restringida)

☐ **Other** (Otro): _____

Instructions: If you are asking for a restraining order, you must complete this form and give it to the court clerk, along with the other court forms required in your case. If the judge grants the restraining order, information you give on this form will be entered into a database (called CLETS) to help law enforcement enforce the order. If information changes later, you may complete this form again and turn it in to the court.

To Court Clerk: Do not file this form. The information on this form must be entered into the protective order registry in CLETS.

Court fills in case number when form is received.

Case Number:

Information that has a star (*) next to it is required. All other information is helpful.

Date received by court: _____

1 Person You Want a Restraining Order Against

***Name:** _____

Other names used: _____

Marks, scars, or tattoos: _____ SSN: _____

Telephone: _____ Driver's license (number and state): _____

Vehicle type: _____ Model: _____ Year: _____ Plate number: _____

Name of employer and address: _____

Does the person speak English? ☐ Yes ☐ I don't know ☐ No (list language): _____

Does the person have any firearms (guns), firearm parts, ammunition, or body armor?

☐ No ☐ I don't know

☐ Yes (Give any information you have below, like the type, amount, or location of any items, if known.)

2 *Your Name: _____

(Skip 3 and 4 if you are asking for a gun violence restraining order (form GV-100).)

3 Your information

***Age:** _____ **Date of Birth (month, day, year):** _____ ***Gender:** ☐ M ☐ F ☐ X (nonbinary)

Race: _____ **Telephone:** _____

Do you speak English? ☐ Yes ☐ No (list language): _____

4 Other People You Want Protected

***Name:** _____ ***Gender:** _____ **Race:** _____ **Date of Birth:** _____

***Name:** _____ ***Gender:** _____ **Race:** _____ **Date of Birth:** _____

***Name:** _____ ***Gender:** _____ **Race:** _____ **Date of Birth:** _____

***Name:** _____ ***Gender:** _____ **Race:** _____ **Date of Birth:** _____

☐ Check here if you have more people to list. Write them on a separate piece of paper and write "Item 4" at the top and attach it to this form.

This is not a Court Order—Do not place in court file.

Clerk stamps date here when form is filed.

Instructions

To ask for a domestic violence restraining order, you will need to complete this form and other forms (see page 13 for list of forms). If this case includes sensitive information about a minor child (under 18 years old), see form DV-160-INFO, *Privacy Protection For a Minor (Person Under 18 Years Old)* for more information on how to protect the child's information.

1 Person Asking for Protectiona. **Your name:** _____b. **Your age:** _____c. **⚠ Address where you can receive court papers**

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

Address: _____

City: _____ State: ____ Zip: _____

d. **⚠ Your contact information (optional)**

(The court could use this information to contact you. If you don't want the person in ② to have this information, leave it blank or provide a safe phone number or email address. If you have a lawyer, give their information.)

Telephone: _____ Fax: _____

Email Address: _____

e. **Your lawyer's information (if you have one)**

Name: _____ State Bar No.: _____

Firm Name: _____

2 Person You Want Protection Froma. **Full Name:** _____b. **Age** (give estimate if you do not know exact age): _____c. **Date of birth** (if known): _____d. **Gender:** ☐ M ☐ F ☐ Nonbinarye. **Race:** _____

Fill in court name and street address:

Superior Court of California, County of
STANISLAUS
1100 I STREET
P.O. BOX 1098
MODESTO, CA 95353

Court fills in case number when form is filed.

Case Number:**This is not a Court Order.**

Request for Domestic Violence Restraining Order
(Domestic Violence Prevention)

This is not a Court Order.

- 3 Your Relationship to the Person in 2**
- (If you do not have one of these relationships with the person in 2, do not complete the rest of this form. You may be eligible for another type of restraining order. Learn more at <https://selfhelp.courts.ca.gov/restraining-orders>.)
- (Check all that apply)**
- a. ☐ We have a child or children together (names of children): _____
- b. ☐ We are married or registered domestic partners.
- c. ☐ We used to be married or registered domestic partners.
- d. ☐ We are dating or used to date.
- e. ☐ We are or used to be engaged to be married.
- f. ☐ We are related. The person in 2 is my (check all that apply):
- ☐ Parent, stepparent, or parent-in-law
☐ Brother, sister, sibling, step-sibling, or sibling in-law
☐ Grandparent, step-grandparent, or grandparent-in-law
☐ Child's spouse
☐ Child, stepchild, or legally adopted child
☐ Grandchild, step-grandchild, or grandchild-in-law
- g. ☐ We live together or used to live together. (If checked, answer question below):
- Have you lived together with the person in 2 as a family or household (more than just roommates)?
- ☐ Yes ☐ No (If no, you do not qualify for this kind of restraining order unless you checked one of the other relationships listed above.)
- 4 Other Restraining Orders and Court Cases**
- a. Are there any restraining orders currently in place or that have expired in the last six months (examples: Did the police give you a restraining order that lasts a few days? Do you have one from the criminal court?)
- ☐ No ☐ Yes (If yes, give information below and attach a copy if you have one.)
- (1) (date of order): _____ (date it expires): _____
- (2) (date of order): _____ (date it expires): _____
- b. Are you involved in any other court case with the person in 2?
- ☐ No ☐ Yes (If you know, list where the case was filed (city, state, or tribe), the year it was filed, and case number.)
- ☐ Custody _____
- ☐ Divorce _____
- ☐ Juvenile (child welfare or juvenile justice): _____
- ☐ Criminal _____
- ☐ Guardianship _____
- ☐ Other (what kind of case?): _____

Case Number:

Describe Abuse

In this section, explain how the person in ② has been abusive. The judge will use this information to decide your request. Listed below are some examples of what "abuse" means under the law. **It is not a complete list** of all examples of abuse. Give information on any incident that you believe was abusive.

- made repeated unwanted contact with you
- tracked, controlled, or blocked your movements
- kept you from getting food or basic needs
- isolated you from friends, family, or other support
- made threats based on actual or suspected immigration status
- made you do something by force, threat, or intimidation
- stopped you from accessing or earning money
- tried to control/interfere with your contraception, birth control, pregnancy, or access to health information
- harassed you
- hit, kicked, pushed, or bit you
- injured you or tried to
- threatened to hurt or kill you
- sexually abused you
- abused a pet or animal
- destroyed your property
- choked or strangled you
- abused your children

5 Most recent abuse

- a. Date of abuse (*give an estimate if you don't know the exact date*): _____
- b. Did anyone else hear or see what happened on this day?
☐ I don't know ☐ No ☐ Yes (*If yes, give names*): _____
- c. Did the person in ② use or threaten to use a gun or other weapon?
☐ No ☐ Yes (*If yes, describe gun or weapon*): _____
- d. Did the person in ② cause you any emotional or physical harm?
☐ No ☐ Yes (*If yes, describe harm*): _____

- e. Did the police come? ☐ I don't know ☐ No ☐ Yes (*If the police gave you a restraining order, list it in ④.*)
- f. Give more details about how the person in ② was abusive on this day. Details can include what was said, done, or sent to you (examples: text messages, emails, or pictures), how often something happened, etc.

- g. How often has the person in ② abused you like this?
☐ Just this once ☐ 2–5 times ☐ Weekly ☐ Other: _____
Give dates or estimates of when it happened, if known:

This is not a Court Order.

This is not a Court Order.

6 Has the person in ② abused you in a different way from the abuse you described in ⑤?

If yes, describe below.

- a. Date of abuse (give an estimate if you don't know the exact date): _____
- b. Did anyone else hear or see what happened on this day?
- ☐ I don't know ☐ No ☐ Yes (If yes, give names): _____
- c. Did the person in ② use or threaten to use a gun or other weapon?
- ☐ No ☐ Yes (If yes, describe gun or weapon): _____
- d. Did the person in ② cause you any emotional or physical harm?
- ☐ No ☐ Yes (If yes, describe harm): _____
- e. Did the police come? ☐ I don't know ☐ No ☐ Yes (If the police gave you a restraining order, list it in ④.)
- f. Give more details about how the person in ② was abusive on this day. Details can include what was said, done, or sent to you (examples: text messages, emails, or pictures), how often something happened, etc.

g. How often has the person in (2) abused you like this? ☐ Just this once ☐ 2–5 times ☐ Weekly ☐ Other: _____

Give dates or estimates of when it happened, if known: _____

Case Number:

7 Is there other abuse by the person in ② that you want the judge to know about?**If yes, describe below.**

- a. Date of abuse (*give an estimate if you don't know the exact date*): _____
- b. Did anyone else hear or see what happened on this day?
☐ I don't know ☐ No ☐ Yes (*If yes, give names*): _____
- c. Did the person in ② use or threaten to use a gun or other weapon?
☐ No ☐ Yes (*If yes, describe gun or weapon*): _____
- d. Did the person in ② cause you any emotional or physical harm?
☐ No ☐ Yes (*If yes, describe harm*): _____

- e. Did the police come? ☐ I don't know ☐ No ☐ Yes (*If the police gave you a restraining order, list it in ④.*)
- f. Give more details about how the person in ② was abusive on this day. Details can include what was said, done, or sent to you (examples: text messages, emails, or pictures), how often something happened, etc.

- g. How often has the person in ② abused you like this?
☐ Just this once ☐ 2–5 times ☐ Weekly ☐ Other: _____
Give dates or estimates of when it happened, if known:

☐ **Check this box if you need more space to describe the abuse.** You can use form **DV-101, *Description of Abuse***, and turn it in with this form. You can also use a separate sheet of paper, write "Describe Abuse" abuse at the top, and turn it in with this form.

This is not a Court Order.

Request for Domestic Violence Restraining Order
(Domestic Violence Prevention)

This is not a Court Order.

(1)			
(2)			
(3)			
(4)			
(5)			
(6)			

Describe Firearms (Guns), Firearm Parts, or Ammunition Number or Amount Location, if known

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

(A firearm includes a handgun, rifle, shotgun, and assault weapon. A firearm part means a receiver or frame or any item that may be used as or easily turned into a receiver or frame. Ammunition includes bullets, shells, cartridges, and clips.)

9 Does person in ② have firearms (guns), firearm parts, or ammunition?

(2) Why do these people need protection?

Protected People" at the top. Turn it in with this form.

☐ Check this box if you need to list more people. Use a separate piece of paper and write "DV-100, Other

				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No

(1) Full name Age Relationship to you Lives with you?

- a. ☐ No
b. ☐ Yes (If yes, complete the section below):

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

8 Other Protected People

Case Number:

Choose the Orders That You Want a Judge to Make

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

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

10 ☐ Order to Not Abuse

I ask the judge to order the person in (2) to not do the following things to me or anyone listed in (8):

Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, keep under surveillance, impersonate (on the internet, electronically, or otherwise), block movements, annoy by phone or other electronic means (including repeatedly contact), or disturb the peace. (For more information on what "disturbing the peace" means, read form DV-500-INFO, Can A Domestic Violence Restraining Order Help Me?)

11 ☐ No-Contact Order

I ask the judge to order the person in (2) to not contact me or anyone listed in (8).

12 ☐ Stay-Away Order

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

☐ Me.

☐ My school.

☐ My home.

☐ Each person in (8).

☐ My job or workplace.

☐ My children's school or childcare.

☐ My vehicle.

☐ Other (please explain): _____

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

☐ 100 yards (300 feet)

☐ Other (give distance in yards): _____

c. Do you and the person in (2) live together or live close to each other?

☐ No

☐ Yes (If yes, check one):

☐ Live together (If you live together, you can ask that the person in (2) move out in (13).)

☐ Live in the same building, but not in the same home

☐ Live in the same neighborhood

☐ Other (please explain): _____

d. Do you and the person in (2) have the same workplace or go to the same school?

☐ No

☐ Yes (If yes, check all that apply):

☐ Work together at (name of company): _____

☐ Go to the same school (name of school): _____

☐ Other (please explain): _____

This is not a Court Order.

Request for Domestic Violence Restraining Order
(Domestic Violence Prevention)

This is not a Court Order.

13 ☐ Order to Move Out

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

(Give address):

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

(Check all that apply)

- ☐ I own the home.
☐ My name is on the lease.
☐ I have lived at this address for _____ years, _____ months.
☐ I pay for some or all the rent or mortgage.
☐ Other (please explain): _____

14 ☐ Other Orders

(Describe any additional orders you want the judge to make to keep you, your children, or the people in (8) safe.):

15 ☐ Child Custody and Visitation

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

Orders that you can request on form DV-105 include:

- Child custody
- Stop person in (2) from accessing your child's school or medical information
- No visits with your children
- Virtual visits with your children
- Supervised (monitored) visits with your children
- Unsupervised (unmonitored) visits with your children

Case Number:

16 ☐ Protect Animals

- a. (You may ask the court to protect your animals, your children's animals, or the person in ②'s animals.)

Name (or other way to ID animal)

Type of animal

Breed (if known)

Color

- (1) _____
- (2) _____
- (3) _____
- (4) _____

- b. I ask the judge to protect the animals listed above by ordering the person in ② to:

(Check all that apply)

- (1) ☐ Stay away from the animals by at least: ☐ 100 yards (300 feet) ☐ Other (number of yards): _____
- (2) ☐ Not take, sell, hide, molest, attack, strike, threaten, harm, get rid of, transfer, or borrow against the animals.
- (3) ☐ Give me sole possession, care, and control of the animals because (check all that apply):
- ☐ Person in ② abuses the animals. ☐ I take care of these animals.
- ☐ I purchased these animals. ☐ Other (please explain): _____

17 ☐ Control of Property

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

- b. Explain why you want control of the property you listed:

18 ☐ Health and Other Insurance

I ask the judge to order the person in ② to **not** make any changes to any insurance or other coverage for me, the person in ②, or our children, including not being allowed to cancel, cash, borrow against, transfer, dispose of, or change the beneficiaries for the insurance.

19 ☐ Record Communications

I ask the judge to allow me to record calls or communications the person in ② makes to me, when those calls or communications violate this restraining order.

This is not a Court Order.

This is not a Court Order.

(If yes, explain how the person in ② made the debt or debts):

☐ No ☐ Yes

(2) Do you know how the person in ② made the debt or debts?

☐ a(1) ☐ a(2) ☐ a(3)

(1) Which of the debts listed above resulted from the abuse? (check all that apply):

☐ No ☐ Yes (If yes, answer the questions below.)

Do you want the judge to make this special decision (finding)?

defend against the debt if you are sued in another case.)

(If you did not agree to the debt or debts listed above, you can ask the judge to decide (find) that one or more debts was made without your permission and resulted from the person in ②'s abuse. This may help you

b. Special decision (finding) by the judge if you did not agree to the debt (optional)

Explain why you want the person in ② to pay the debts listed above:

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

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

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

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

(If you want the person in ② to pay any debts owed for property, list them and explain why. The amount can be for the entire bill or only a portion. Some examples include rent, mortgage, car payment, etc.)

☐ 22 Pay Debts (Bills) Owed for Property

I ask the judge to give me more time to serve the person in ② because (explain why you need more time):

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

☐ 21 Extend My Deadline to Give Notice to Person in ②

I ask the judge to order the person in ② not to 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.

☐ 20 Property Restraint (only if you are married or a registered domestic partner with the person in ②.)

Case Number:

Case Number:

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

Below is a list of orders that a judge cannot make right away but can make at your court date in a few weeks. The person in ② must be notified of your court date before the judge can consider making any of the orders listed below. Check all the orders that you want the judge to make at your court date.

23 ☐ **Pay Expenses Caused by the Abuse**

I ask the judge to order the person in ② to pay for things **caused directly** by the person in ② (damaged property, medical care, counseling, temporary housing, etc.). Bring proof of these amounts to your court date.

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

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

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

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

24 ☐ **Child Support** *(this applies only if you have a minor child with the person in ②)*

(Check all that apply)

- a. ☐ I do not have a child support order and I want one.
- b. ☐ I have a child support order and I want it changed *(attach a copy if you have one)*.
- c. ☐ I now receive or have applied for TANF, Welfare, or CalWORKS.

25 ☐ **Spousal Support**

(You must be married or a registered domestic partner with person in ②)

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

26 ☐ **Lawyer's Fees and Costs**

I ask that the person in ② pay for some or all of my lawyer's fees and costs. (If you ask for fees and costs and the court grants your restraining order, the court must award you fees and costs if the respondent can afford to pay.)

This is not a Court Order.

This is not a Court Order.

Automatic Orders if the Judge Grants Restraining Order

In this section are orders that the person in ② would have to follow if the judge grants a restraining order.

29 No Firearms (Guns), Firearm Parts, or Ammunition

- Cannot own, possess, or buy firearms (guns), firearm parts, and ammunition.
- Must turn in, sell, or store any firearms (guns), firearm parts, or ammunition that they have or control.

30 No Body Armor

- Cannot own, possess, or buy body armor.
- Must relinquish any body armor in their possession.

31 Cannot Look for Protected People

Cannot look for the address or location of any person protected by the restraining order, unless the court finds good cause not to make this order.

28 ☐ Transfer of Wireless Phone Account

(If the person in ② holds the rights to your cell phone account, you can ask the judge to transfer your number or your child's number to you. This means you will be financially responsible for these accounts. If you want to have control over a mobile device, like a cell phone, make this request at ①7.)

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

- a. ☐ My number ☐ Number of child in my care (including area code): _____
- b. ☐ My number ☐ Number of child in my care (including area code): _____
- c. ☐ My number ☐ Number of child in my care (including area code): _____
- d. ☐ My number ☐ Number of child in my care (including area code): _____

27 ☐ Batterer Intervention Program

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

Case Number:

Case Number:

32 Additional pages

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

33 Your signature

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

Date: _____

Type or print your name



Sign your name

34 Your lawyer's signature (if you have one)

Date: _____

Lawyer's name



Lawyer's signature

Your Next Steps

1 You must complete at least three additional forms:

- Form DV-110, *Temporary Restraining Order (only items 1, 2 and 3)*
- Form DV-109, *Notice of Court Hearing (only items 1 and 2)*
- Form CLETS-001, *Confidential Information for Law Enforcement*
- **If you are asking for child custody and visitation orders**, you must complete form DV-105, *Request for Child Custody and Visitation Orders*, and form DV-140, *Child Custody and Visitation Order*.

2 Turn in your completed forms to the court. Find out when your forms will be ready for you.

3 Once you get your forms back from the court, have someone "serve" a copy of all forms on the person in (2). The sheriff or marshal can do this for free. See form SER-001, *Request for Sheriff to Serve Court Papers*. Learn more about service at <https://selfhelp.courts.ca.gov/sheriff-serves-your-request-restraining-order>.

4 If you are asking for child support or spousal support you must also complete form FL-150, *Income and Expense Declaration*. If you are only asking for child support, you may be eligible to fill out a simpler form, FL-155. Read form DV-570 to see if you are eligible. Turn in your completed form to the court before your court date. You must also have someone mail or personally deliver a copy to the person in (2).

This is not a Court Order.

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 abuse to you or your children.**

- a. Date of abuse: _____
- b. Who was there? _____

- c. Describe how the person in **(2)** abused you or your children:

This image shows a single sheet of white paper with horizontal blue ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

- 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.



Description of Abuse
(Domestic Violence Prevention)

DV-101, Page 2 of 2

title.

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

5

Describe abuse to you or your children.

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

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

e. Describe any injuries:

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

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

b. Who was there?

a. Date of abuse:

Has the person in ② abused you (or your children) other times?

4

Describe abuse to you or your children.

Case Number:

SHORT TITLE: _____	CASE NUMBER: _____
-----------------------	-----------------------

ATTACHMENT (Number) : _____

(This Attachment may be used with any Judicial Council form.)

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page _____ of _____
(Add pages as required)

DV-110 Temporary Restraining Order

☐ Original Order ☐ Amended Order

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

① **Protected Person** (name): _____

② **Restrained Person**

*Full Name: _____

*Gender: ☐ M ☐ F ☐ Nonbinary *Race: _____

*Age: _____ (estimate, if age unknown) Date of Birth: _____

Height: _____ Weight: _____

Hair Color: _____ Eye Color: _____

Relationship to person in ①: _____

Address of restrained person: _____

City: _____ State: _____ Zip: _____

Firearms, firearm parts, or ammunition that restrained person may have:
(Include information from form DV-100, item 9)

(Information that has a star (*) next to it is required to add this order into a California police database. Give all the information you know.)

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of
STANISLAUS
1100 I STREET
P.O. BOX 1098
MODESTO, CA 95353

Court fills in case number when form is filed.

Case Number:

③ ☐ **Other Protected People**

In addition to the person named in ①, the people listed below are protected by the orders listed in ⑨ through ⑫.

Full name	Relationship to person in ①	Age
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

(The court will complete the rest of this form)

④ **Your Hearing Date (Court Date)**



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

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

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

This is a Court Order.



To the Person in 2 : The judge has granted temporary orders. See 5 through 21. If you do not obey these orders, you can be charged with a crime, go to jail or prison, and/or pay a fine. It is a felony to take or hide a child in violation of this order.

5 No Firearms (Guns), Firearm Parts, or Ammunition

a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get any prohibited item listed below in b.

b. Prohibited items are

- (1) Firearms (guns);
- (2) Firearm parts, meaning receivers, frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531); and
- (3) Ammunition.

c. Within 24 hours of receiving this order, you must sell to or store with a licensed gun dealer, or turn in to law enforcement, any prohibited items you have in your immediate possession or control.

d. If law enforcement asks you for your prohibited items, you must turn them over immediately

e. Within 48 hours of receiving this order, you must file a receipt with the court that proves all prohibited items have been turned in, sold, or stored. (You may use form DV-800/JV-270, *Receipt for Firearms, Firearm Parts, and Ammunition*.) If law enforcement served you with the restraining order, you must give a copy of the receipt to that law enforcement agency.

6 Prohibited Person Has Prohibited Items

The court finds that you have the following prohibited items:

a. Firearms and/or firearm parts

(1)	Description (include serial number, if known)	Location, if known	Proof of compliance received by the court
(2)			
(3)			
(4)			

b. Ammunition

(1)	Description	Amount, if known	Location, if known	Proof of compliance received by the court
(2)				

This is a Court Order.

7 ☐ Court Hearing to Review Firearms (Guns), Firearm Parts, and Ammunition Compliance

In addition to the hearing listed on form DV-109, item **(3)**, you must attend the court hearing listed below to prove that you have properly turned in, sold, or stored all prohibited items (described in **(5)b)** you still have or own, including any items listed in **(6)**. If you do not attend the court hearing listed below, a judge may find that you have violated the restraining order and notify law enforcement and a prosecuting attorney of the violation.



Date: _____ Dept.: _____
Time: _____ Room: _____

Name and address of court, if different than court address listed on page 1

8 No Body Armor

You cannot own, possess, or buy body armor (defined in Penal Code section 16288). You must relinquish any body armor you have in your possession.

9 Cannot Look for Protected People

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

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

10 Order to Not Abuse ☐ Not requested ☐ Denied until the hearing ☐ Granted as follows:

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

- Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, keep under surveillance, impersonate (on the internet, electronically, or otherwise), block movements, annoy by phone or other electronic means (including repeatedly contact), or disturb the peace.
- "Disturb the peace" means to destroy someone's mental or emotional calm. This can be done directly or indirectly, such as through someone else. This can also be done in any way, such as by phone, over text, or online. Disturbing the peace includes coercive control.
- "Coercive control" means a number of acts that unreasonably limit the free will and individual rights of any person protected by this restraining order. Examples include isolating them from friends, relatives, or other support; keeping them from food or basic needs; controlling or keeping track of them, including their movements, contacts, actions, money, or access to services; and making them do something by force, threat, or intimidation, including threats based on actual or suspected immigration status. Coercive control includes reproductive coercion meaning controlling someone's reproductive choices, such as using force, threat, or intimidation to pressure someone to be or not be pregnant, and to control or interfere with someone's contraception, birth control, pregnancy, or access to health information.

This is a Court Order.

This is a Court Order.

Temporary Restraining Order

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

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

13 Order to Move Out ☐ Not requested ☐ Denied until the hearing ☐ Granted as follows:

b. ☐ Exception to 12a:
The stay-away orders do not apply:
(1) ☐ For you to exchange your children for court-ordered visits. You must do so briefly and peacefully.
(2) ☐ For you to visit with your children for court-ordered contact or visits.
(3) ☐ Other (explain): _____

12 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):
☐ Person in ①.
☐ Home of person in ①.
☐ Job or workplace of person in ①.
☐ Vehicle of person in ①.
☐ Other (explain): _____
b. ☐ Exception to 12a:
(1) ☐ You may have brief and peaceful contact with the person in ① only to communicate about your children for court-ordered visits.
(2) ☐ You may have contact with your children only during court-ordered contact or visits.
(3) ☐ Other (explain): _____
c. Peaceful written contact through a lawyer or process server or another person for service of legal papers related to a court case is allowed and does not violate this order.

11 No-Contact Order ☐ Not requested ☐ Denied until the hearing ☐ Granted as follows:

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

Case Number:

15 Child Custody and Visitation ☐ Not requested ☐ Denied until the hearing ☐ Granted as follows:Granted on the attached form DV-140, *Child Custody and Visitation Order*, and☐ (list other form): _____.**16 Protect Animals** ☐ Not requested ☐ Denied until the hearing ☐ Granted as follows:a. ☐ You must stay at least _____ yards away from the animals listed below.b. ☐ You must not take, sell, hide, molest, attack, strike, threaten, harm, get rid of, transfer, or borrow against the animals.c. ☐ The person in ① is given the sole possession, care, and control of the animals listed below.

Name (or other way to ID animal)

Type of animal

Breed (if known)

Color

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

17 Control of Property ☐ Not requested ☐ Denied until the hearing ☐ Granted as follows:Until the hearing, **only** the person in ① can use, control, and possess the following property:

18 Health and Other Insurance ☐ Not requested ☐ Denied until the hearing ☐ Granted as follows:

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

19 Record Communications ☐ Not requested ☐ Denied until the hearing ☐ Granted as follows:

The person in ① may record communications made by the person in ② that violate this order.

This is a Court Order.

This is a Court Order.

Temporary Restraining Order

Judge or Judicial Officer

Date:

Judge's Signature

24

☐ Attached pages (All of the attached pages are part of this order.)

- a. Number of pages attached to this nine-page form: _____
b. Attachments include forms (check all that apply):

☐ DV-140 ☐ DV-145 ☐ DV-820 ☐ Other: _____

23

No Fee to Serve (Notify) Restrained Person

The sheriff or marshal will serve this order for free. If you want the sheriff to serve your papers, complete form SER-001, Request for Sheriff to Serve Court Papers. Give form SER-001 and a copy of this order to the sheriff.

22

Orders That May Be Made at the Hearing Date (Court Date)

- If the person in ① checked any of these orders on form DV-100, a judge could grant them at your court date.
- Child Support
 - Lawyer's Fees and Costs
 - Spousal Support
 - Pay Expenses Caused by Abuse
 - Batterer Intervention Program
 - Transfer of Wireless Phone Account

21

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

Pay Debts Owed for Property ☐ Not requested ☐ Denied until the hearing ☐ Granted as follows:

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

The person ☐ in ① ☐ in ② must not transfer, borrow against, sell, hide, or get rid of or destroy any property, including animals, except in the usual course of business or for necessities of life. In addition, each person must notify the other of any new or big expenses and explain them to the court. (If the court granted ①, the person in ② must not contact the person in ①. To notify the person in ① of new or big expenses, have a server mail or personally give the information to the person in ① or contact their lawyer, if they have one.)

Case Number:

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. section 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**Your Address to Receive Court Orders**

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

Child Custody, Visitation, and Support

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

Firearms (Guns), Firearm Parts, and Ammunition

Under California law, you cannot have any firearms (guns), certain firearm parts, or ammunition. (Family Code sections 6216 and 6389(a)). Ask the court for information on how to properly turn in, sell, or store these items in your city or county. You can also contact your local police department for instructions.

This is a Court Order.

This is a Court Order.

Child custody and visitation orders are listed on form DV-140 or another attached form. If the judge made these orders, look at items (11) and (12) of this order to see if the judge granted an exception for brief and peaceful contact with the person in (1) as needed to follow court-ordered visits. Contact by the person in (2) that is **not** brief and peaceful is a violation of this order. **Forms DV-100 and DV-105 are not orders. Do not enforce them.**

Child Custody and Visitation

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. (Penal Code section 13710(b).)

If the Protected Person Contacts the Restrained Person

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

Arrest Required if Order Is Violated

- Within one business day of service, submit the proof of service directly into the California Restraining and Protective Order System (CARPOS), including the serving officer's name and law enforcement agency.
- Complete a proof of personal service and file it with the court. You may use form DV-200 for this purpose.
 - Issue a receipt to the Restrained Person for all prohibited items that have been surrendered.
 - Order the Restrained Person to immediately surrender to you all prohibited items
 - Ask if the Restrained Person is in possession of any of the prohibited items listed in (6), or has custody or control of any that they have not already turned in.

The officer who serves this order on the Restrained Person must do the following:

Duties of Officer Serving This Order

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.

Instructions for Law Enforcement

Case Number:

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 Penal Code section 136.2 and Family Code sections 6383(h)(2), 6405(b)):

1. **Emergency Protective Order (EPO):** If one of the orders is an *Emergency Protective Order* (form EPO-001), provisions (e.g., stay away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must be enforced.
2. **No-Contact Order:** If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. Item (11) is an example of a no-contact order.
3. **Criminal Protective Order (CPO):** If none of the orders include an EPO or a no-contact order, the most recent CPO must be enforced. (Family Code sections 6383(h)(2) and 6405(b).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Penal Code section 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must be enforced.
4. **Civil Restraining Orders:** If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment), then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must be enforced.

(The clerk will fill out this part.)

Instructions to Clerk: You must give up to three free (certified, stamped, and endorsed) copies of this order to the protected party.

Clerk's Certificate
[seal]

—Clerk's Certificate—

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.

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

① Person Asking for Protection

Name: _____

② Person to Be Restrained

Name: _____

③ Notice of Hearing

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

Fill in court name and street address:

Superior Court of California, County of
STANISLAUS
1100 I STREET
P.O. BOX 1098
MODESTO, CA 95353

*Court fills in case number when form is filed.***Case Number:**

Name and address of court if different from above: _____

Date: _____ Time: _____
Dept.: _____ Room: _____

You may attend your court date remotely, such as by phone or videoconference. For more information, go to the court's website for the county listed above. To find the court's website, go to: www.courts.ca.gov/find-my-court.htm.

At the hearing, the court must consider whether failure to make any of the orders requested by the person in ① might risk the safety of the person in ① or any children listed on form DV-105. If child or spousal support was requested, the court must consider whether failure to make support orders would risk the safety of the person in ① or any children listed on form DV-105.

To the person in ②:

- If you attend the hearing (in person, by phone, or by videoconference) and the judge grants a restraining order against you, the order will be effective immediately, and you could be arrested if you violate the order.
- If you do not attend the hearing, the judge may still grant the restraining order that could last up to five years. After you receive a copy of the order, you could be arrested if you violate the order.

Notice of Court Hearing
(Domestic Violence Prevention)

Judge's Signature

Date: _____

Judicial Officer _____

- f. ☐ Other (specify): _____
- e. ☐ DV-170, Notice of Order Protecting Information of Minor, and DV-165, Order on Request to Keep Minor's Information Confidential (file-stamped), **if granted**
- d. DV-120-INFO, How Can I Respond to a Request for Domestic Violence Restraining Order?
- c. DV-120, Response to Request for Domestic Violence Restraining Order (blank form)
- b. ☐ DV-110, Temporary Restraining Order (file-stamped) **if granted**
- a. DV-100, Request for Domestic Violence Restraining Order (file-stamped)
- At least ☐ five days before the hearing, someone age 18 or older—not you or anyone to be protected—must personally give (serve) a court 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:**

6 Service of Documents by the Person in ⁽¹⁾

- b. If the request was granted, the information described on the order (form DV-165, item ⁽⁷⁾) must be kept **CONFIDENTIAL**. The disclosure or misuse of the information is punishable as a sanction, with a fine of up to \$1,000 or other court penalties.
- a. ☐ A request to keep minor's information confidential was made (see form DV-160) and **granted**. (See form DV-165, Order on Request to Keep Minor's Information Confidential, served with this form.)

5 Confidential Information Regarding Minor

- b. ☐ Reasons for denial of some or all of the orders requested on form DV-100.
- (1) ☐ The facts given in the request (form DV-100) do not show reasonable proof of a past act or acts of abuse. (Family Code sections 6300, 6320, and 6320.5.)
- (2) ☐ The facts given in the request do not give enough detail about the most recent incidents of abuse, including what happened, the dates, who did what to whom, or any injuries or history of abuse.
- (3) ☐ Other reasons for denial:
- (1) ☐ All **granted** until the court hearing.
- (2) ☐ All **denied** until the court hearing. (Reasons for denial are given below in b.)
- (3) ☐ Partly **granted** and partly **denied** until the court hearing. (Reasons for denial are given in b.)
- a. Temporary Restraining Orders (any order requested under Family Code section 6320): (Check one):
- 4 Temporary Restraining Orders (Any orders granted are attached on form DV-110.)

Case Number:

To the Person in ①:

- **At the hearing:** The judge will decide if a restraining order is needed to keep you or your children safe. If the judge grants you a restraining order at the hearing, it can last up to five years. You must attend the hearing if you want the judge to make any of the orders you requested on form DV-100. Bring any evidence or witnesses you have. For more information, read form DV-520-INFO, *Get Ready for Your Restraining Order Court Hearing*.
- **Option to cancel hearing:** If item ④a(2) or ④a(3) is checked, you have the option of canceling the hearing. If you cancel the hearing, your request for restraining order will not move forward. Any temporary orders made will expire on the day of the hearing. If you want to cancel the hearing, use form DV-112, *Waiver of Hearing on Denied Request for Temporary Restraining Order*.
- **Before the hearing:** You must have someone personally serve (give) the person in ② a copy of all the papers listed in ⑥ by the deadline listed in ⑥. For more information, read form DV-200-INFO, *What Is "Proof of Personal Service"?* You may ask to reschedule the hearing if you are unable to serve the person in ② and need more time to serve the documents, or for other good reasons. Read form DV-115-INFO, *How to Ask for a New Hearing Date*.

To the Person in ②:

- **Respond in writing** (optional): You can respond in writing by completing form DV-120, *Response to Request for Domestic Violence Restraining Order*. For more information, read form DV-120-INFO, *How Can I Respond to a Request for Domestic Violence Restraining Order?*
- **At the hearing:** Whether or not you respond in writing, attend the hearing if you want the judge to hear from you before making an order. At the hearing, tell the judge why you agree or disagree with the orders requested. Bring any evidence or witnesses you have. Read form DV-520-INFO, *Get Ready for Your Restraining Order Court Hearing*.
- If you are unable to attend your court hearing or need more time to prepare your case, you may ask the judge to reschedule your court date. Read form DV-115-INFO, *How to Ask for a New Hearing Date*.

**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 *Disability Accommodation Request* (form MC-410). (Civil Code section 54.8.)

(Clerk will fill out this part.)

Clerk's Certificate
[seal]

—Clerk's Certificate—

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 form is attached to form DV-100. (Use this form to request orders for children you have with the person in ②.)

1 Your Information

Name: _____

Relationship to children: ☐ Parent ☐ Legal Guardian ☐ Other (describe): _____

2 Person You Want Protection From

Name: _____

Relationship to children: ☐ Parent ☐ Legal Guardian ☐ Other (describe): _____

3 Children Under 18 Years Old (list from oldest to youngest)

a. Name: _____ Date of birth: _____

b. Name: _____ Date of birth: _____

c. Name: _____ Date of birth: _____

d. Name: _____ Date of birth: _____

☐ (Check here if you need more space. Write "DV-105, Children" at the top and attach it to this form.)

4 City and State Where Children Lived

a. Have all the children listed in ③ lived together for the last five years?

☐ Yes (Complete section 4b.)

☐ No (If no, do not complete the section below. Instead, use form DV-105(A)).

b. List where the child or children have lived for the last five years. Start with their current location.

Children lived with (check all that apply):

<u>Dates (month/year)</u>	<u>City, State, and Tribal Land</u>	<u>Me</u>	<u>Person in ②</u>	<u>Other*</u>
From: _____ To present	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Check here if you want to keep your current location private. List the state only.				
From: _____ Until: _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
From: _____ Until: _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
From: _____ Until: _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
From: _____ Until: _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
From: _____ Until: _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
From: _____ Until: _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Other* (relationship to child): _____

This is not a Court Order.

History of Court Cases Involving Your Children

a. Do you know about any other case involving any child listed in 3 ?

☐ No

☐ Yes (If yes, complete section below.)

(Check all that apply. List where it was filed (city, state, or tribe), year it was filed, and case number, if known.)

☐ Custody

☐ Divorce

☐ Juvenile Court (child welfare, juvenile justice)

☐ Guardianship

☐ Criminal

☐ Other (example: child support case)

b. Is there a current order for custody or visitation in effect?

☐ No

☐ Yes (Complete the section below.)

What did the judge order? (Examples: who has custody of the children and what is the visitation schedule)

(Attach a copy of the order, if you have one.)

Why do you want to change the order?

c. If there is another parent or legal guardian besides you and the person in 2, complete the section below.

Name: ☐ Parent ☐ Legal Guardian

This is not a Court Order.

Orders a Judge Can Make to Protect Your Children

To ask for orders to protect your children, answer the questions below.

6 Do you want to limit where the person in (2) can travel with your children?

- ☐ No
☐ Yes (*Complete the section below*):

I ask the judge to order that the person in (2) must have written permission from me, or a court order, to take the children outside:

- ☐ The county of (*list*): _____
☐ California
☐ Other places (*list*): _____

7 Do you want the person in (2) to have access to the children's records or information?

- ☐ Yes
☐ No (*Complete the section below*):

a. I ask the judge to order that the person in (2) **not** access or have access to the records or information for:

- ☐ All the children listed in (3).
☐ Only the children listed here (*names*): _____

b. For the following records or information (*check all that apply*):

- ☐ Medical, dental, and mental health
☐ School and daycare
☐ Extracurricular activity, including summer camps and sports teams
☐ Other (*describe*): _____

(If the judge makes this order, providers will not be able to release the protected information to the person in (2).)

8 Do you believe the person in (2) might abduct (kidnap) your children?

- ☐ No
☐ Yes (To ask for orders to help prevent abduction, you must complete form DV-108, Request for Orders to Prevent Child Abduction, and attach it to this form.)

This is not a Court Order.

- ☐ Yes (Go to **12**.)
☐ No (Go to **13**.)

(To learn about supervised visitations, go to: <https://selfhelp.courts.ca.gov/guide-supervised-visitations>.)

11 Do you want visits with the children to be supervised (monitored) by a third-party?

- ☐ No, I ask the judge to order that person in **2** have no visits. (Stop here. You have finished completing this form.)
☐ Yes (Go to **11**.)

10 Do you want the person in **2 to have visits (parenting time) with the children?**

Visitation (Parenting Time) with Children

You can ask a judge to make decisions about when your child spends time with the person in **2**. This is called parenting time or visitation. It means the schedule and exact times each parent spends with the child. If a parent does not get custody, that parent can have parenting time with the child if a judge believes it is safe and in the child's best interest. Answer the questions below to tell the judge what parenting time you want right now for person in **2**. Any orders the judge makes are temporary for now. They last until the court date (about three weeks away). On your court date, the judge can change or extend the orders.

9 Do you want the judge to make child custody orders?

- ☐ No
☐ Yes (Complete the section):

Legal Custody (check one):

- ☐ Sole to me
☐ Sole to person in **2**
☐ Jointly (shared) by me and person in **2**.
☐ Other (describe):

Physical Custody (check one):

- ☐ Sole to me
☐ Sole to person in **2**
☐ Jointly (shared) by me and person in **2**.
☐ Other (describe):

Child Custody

You can ask a judge to make custody orders for your children. There are two types of custody in California: legal and physical custody.

- **Legal custody** means the person that makes decisions about the child's health, education, and welfare.
- **Physical custody** means the person that the child regularly lives with.

For both types of custody, parents can share custody (joint) or one parent can have full custody (sole).

Case Number:

12 Details of Supervised (Monitored) Visits

(Complete a and b):

a. Who do you want to supervise the visits?

(Check one):

☐ Nonprofessional, like a trusted relative or friend (list name, if known): _____☐ Professional (list name, if known): _____Professional fees paid by: Me _____ % Person in **(2)** _____ % Other: _____ %

b. How often and how long should the visits be?:

(Check one):

☐ Once a week, for (number of hours): _____☐ Twice a week, for (number of hours): _____ each visit.☐ Other (describe): _____☐ Check here if you want to use the chart listed below for a schedule. _____**Schedule for Supervised Visits**(List the days and times the **person in (2)** should visit with the children.)

	Time	Person to bring children to and from visit	Location of drop-off/pick-up
Monday	Start: End, if applies:		
Tuesday	Start: End, if applies:		
Wednesday	Start: End, if applies:		
Thursday	Start: End, if applies:		
Friday	Start: End, if applies:		
Saturday	Start: End, if applies:		
Sunday	Start: End, if applies:		

Follow the schedule listed above (check one):☐ Every week ☐ Every other week ☐ Other _____**Start date for visits (month, day, year)** _____**!** If you completed **(12)**, you are done completing this form. Do not complete **(13)**.

13Details of Unsupervised Visits

(Complete a and b):

a. If the judge allows the person in (2) to have unsupervised visits with your children, you will have to tell the judge how you want to handle drop-off and pick-up of the children, also called child exchanges. Do you want child exchanges to be supervised by a third-party?

☐ No

☐ Yes (Complete the section below):

Who do you want to supervise the exchanges? (Check one):

☐ Nonprofessional, like a trusted relative or friend (list name, if known):

☐ Professional (list name, if known):

Professional fees paid by: Me _____ % Person in (2) _____ % Other: _____ %

b. Describe the parenting time you want the person in (2) to have with the children.

(Use the lines or chart below to explain what days and times the person in (2) should visit with the children. Give details including when visits will happen, how often the visits should be, and who will be responsible for transporting the children.)

Schedule for Unsupervised Visits			
	Time	Person to bring children to and from visit	Location of drop-off/pick-up
Monday	Start: End, if applies:		
Tuesday	Start: End, if applies:		
Wednesday	Start: End, if applies:		
Thursday	Start: End, if applies:		
Friday	Start: End, if applies:		
Saturday	Start: End, if applies:		
Sunday	Start: End, if applies:		

Follow the schedule listed above (check one):

☐ Every week ☐ Every other week ☐ Other

Start date for visits (month, day, year)

DV-105(A) City and State Where Children Lived

Case Number: _____

1 This form is attached to (check one):

- ☐ DV-105 (For person in **①**: Use this form if you have children that have not lived together for the last five years.)
- ☐ DV-125 (For person in **②**: Use this form to list where your children have lived for the last five years.)
- ☐ DV-305 (Use this form if you have children who have not lived together for the last five years.)
- ☐ DV-325 (Use this form to list where your children have lived for the last five years.)

2 List where the child or children have lived for the last five years. Start with their current location.

a. Name of child or children: _____							
b. <u>Dates (month/year)</u>							
<u>City and State</u> (include tribal land, if applies)							
<u>Children lived with (check all that apply):</u>							
	<table border="0"><tr><td><u>Person</u> <u>in ①</u></td><td><u>Person</u> <u>in ②</u></td><td><u>Other (relationship</u> <u>to child)</u></td></tr><tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr></table>	<u>Person</u> <u>in ①</u>	<u>Person</u> <u>in ②</u>	<u>Other (relationship</u> <u>to child)</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Person</u> <u>in ①</u>	<u>Person</u> <u>in ②</u>	<u>Other (relationship</u> <u>to child)</u>					
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
From:	To present						
<input type="checkbox"/> Check here if this address is private (confidential). List the state only.							
From:	Until:						
From:	Until:						
From:	Until:						
From:	Until:						
From:	Until:						
From:	Until:						

3 List another child or children who have not lived with the child or children listed above. List where they have lived for the last five years. Start with their current location.

a. Name of child or children: _____							
b. <u>Dates (month/year)</u>							
<u>City and State</u> (include tribal land, if applies)							
<u>Children lived with (check all that apply):</u>							
	<table border="0"><tr><td><u>Person</u> <u>in ①</u></td><td><u>Person</u> <u>in ②</u></td><td><u>Other (relationship</u> <u>to child)</u></td></tr><tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr></table>	<u>Person</u> <u>in ①</u>	<u>Person</u> <u>in ②</u>	<u>Other (relationship</u> <u>to child)</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Person</u> <u>in ①</u>	<u>Person</u> <u>in ②</u>	<u>Other (relationship</u> <u>to child)</u>					
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
From:	To present						
<input type="checkbox"/> Check here if this address is private (confidential). List the state only.							
From:	Until:						
From:	Until:						
From:	Until:						
From:	Until:						
From:	Until:						
From:	Until:						

☐ Check here to list other children with a different residence history than the children you've already listed. Use another form DV-105(A) and attach it to this form.

This is not 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:** _____Relationship to children: ☐ Parent ☐ Legal Guardian ☐ Other (*describe*): _____**2 Name of Restrained Person:** _____Relationship to children: ☐ Parent ☐ Legal Guardian ☐ Other (*describe*): _____**3 ☐ Children Under 18 Years Old**

a. Name: _____ Date of birth: _____

b. Name: _____ Date of birth: _____

c. Name: _____ Date of birth: _____

d. Name: _____ Date of birth: _____

☐ (Check here if you have more children to list. On a separate piece of paper write "DV-140, Children" at the top and attach it to this form.)**4 ☐ No Travel With Children Without Permission**☐ Person in ① ☐ Person in ② ☐ Other (*name*): _____**must** have written permission from the other parent, or a court order, to take the children outside of:a. ☐ County of (*list*): _____b. ☐ State of Californiac. ☐ United Statesd. ☐ Other place(s) (*list*): _____**5 ☐ Stop Access to Children's School, Health, and Other Information**

a. The person in ② must not access or have access to the records or information for:

☐ All the children listed in ③.☐ Only the children listed here (*names*): _____b. From the following (*check all that apply*):☐ Medical, dental, and mental health providers☐ School and daycare providers☐ Extracurricular activity providers, including summer camps and sports teams☐ Child's employers (including volunteer and unpaid positions)☐ Other (*describe*): _____**!** If you are a provider listed above, you must not release information or records regarding the children listed in ⑤ a to the person in ②.**This is a Court Order.**

Child Custody and Visitation Order
(Domestic Violence Prevention)

This is a Court Order.

- 9 ☐ Supervised (Monitored) Visitation with Children
- a. Person to be supervised: ☐ Person in ① ☐ Person in ② by: _____
- ☐ Nonprofessional (name and relationship to child, if known): _____

☐ Professional (name, if known): _____
- (1) Fees paid by: Person in ① _____ % Person in ② _____ % Other: _____ %
(2) Person in ① contact provider by (date): _____
Person in ② contact provider by (date): _____
- b. Provider's contact information, if known
Address: _____
Telephone: _____
- c. Schedule of supervised visits
(1) ☐ Once a week, for (number of hours): _____
(2) ☐ Twice a week, for (number of hours): _____ each visit.
(3) ☐ Follow the Visitation Schedule listed in ⑫.
(4) ☐ Other schedule (describe): _____

- 8 ☐ Person in ② must have no visitation with children until further order of the court.
(If this form is attached to form DV-110, Temporary Restraining Order, this means that the judge has stopped your right to visit with your children temporarily. If you do not agree with this order, attend your court hearing.)
- 7 ☐ Child Custody
- a. Legal Custody (The person that makes decisions about the child's health, education, and welfare.)
☐ Sole to Person in ① ☐ Jointly (shared) by persons in ① and ②.
☐ Sole to Person in ② ☐ Other (describe): _____
- b. Physical Custody (The person that the child regularly lives with.)
☐ Sole to Person in ① ☐ Jointly (shared) by persons in ① and ②.
☐ Sole to Person in ② ☐ Other (describe): _____
- c. If the judge granted sole or joint custody to the person in ②, the judge must explain why.
(For judge to complete. Check all that apply.)
☐ Judge's reasons given at the hearing (See minute order or ask for the transcript.)
☐ Judge's reasons listed here: _____
- 6 ☐ Judge's Decision on Request for Orders to Prevent Child Abduction (attach form DV-145)

Case Number:

10 ☐ Supervised (Monitored) Child Exchanges (Use item 11 to describe visitation schedule.)a. Person to be supervised: ☐ Person in 1 ☐ Person in 2 by:☐ Nonprofessional (name and relationship to child): _____

Safe location for exchanges: _____

(For more information on safe locations, go to <https://selfhelp.courts.ca.gov/guide-supervised-visitation>.)☐ Professional (list name, if known): _____

(1) Fees paid by: Person in 1 _____ % Person in 2 _____ % Other: _____ %

(2) Person in 1 contact provider by (date): _____

Person in 2 contact provider by (date): _____

(3) Location of exchanges to be decided by provider.

b. Provider's contact information, if known

Address: _____ Telephone: _____

11 ☐ Visits With No Supervision (Unmonitored)

a. If the judge granted unsupervised visits to the person in 2, the judge must explain why.

(For judge to complete. Check all that apply):

☐ Judge's reasons given at the hearing (See minute order or ask for the transcript.)☐ Judge's reasons listed here: __________

_____b. ☐ Person in 1 ☐ Person in 2 will visit with the children as follows:(1) ☐ Visitation schedule described below:_____

_____(2) ☐ Follow the Visitation Schedule listed in 12.**This is a Court Order.**

Child Custody and Visitation Order

This is a Court Order.

Penalties for Violating This Order

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

Jurisdiction and Notice

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 section 3400). The responding party was given notice consistent with the laws of the State of California.

Country of Habitual Residence

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

Other Orders

(Describe additional orders or refer to an attachment (e.g., FL-341(C), Children's Holiday Schedule Attachment)):

Start date for visits (month, day, year)		
<input type="checkbox"/> Every week <input type="checkbox"/> Every other week <input type="checkbox"/> Other		
Follow the schedule listed above (check one):		
Sunday	Start: End, if applies:	
Saturday	Start: End, if applies:	
Friday	Start: End, if applies:	
Thursday	Start: End, if applies:	
Wednesday	Start: End, if applies:	
Tuesday	Start: End, if applies:	
Monday	Start: End, if applies:	
	Time	Person to bring children to and from visit
		Location of drop-off/pick-up

Visitation Schedule for Person in 2

Case Number:

PARTY WITHOUT ATTORNEY OR ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STANISLAUS STREET ADDRESS: 1100 I STREET MAILING ADDRESS: P.O. BOX 1098 CITY AND ZIP CODE: MODESTO, CA 95353 BRANCH NAME:	
PETITIONER: RESPONDENT: OTHER PARTY/PARENT/CLAIMANT:	
INCOME AND EXPENSE DECLARATION	CASE NUMBER:

1. Employment (Give information on your current job or, if you're unemployed, your most recent job.)

Attach copies of your pay stubs for last two months (black out Social Security numbers).	a. Employer: b. Employer's address: c. Employer's phone number: d. Occupation: e. Date job started: f. If unemployed, date job ended: g. I work about hours per week. h. I get paid \$ gross (before taxes) <input type="checkbox"/> per month <input type="checkbox"/> per week <input type="checkbox"/> per hour.
---	--

(If you have more than one job, attach an 8 1/2-by-11-inch sheet of paper and list the same information as above for your other jobs. Write "Question 1—Other Jobs" at the top.)

2. Age and education

- a. My age is (specify):
 b. I have completed high school or the equivalent: ☐ Yes ☐ No If no, highest grade completed (specify):
 c. Number of years of college completed (specify): ☐ Degree(s) obtained (specify):
 d. Number of years of graduate school completed (specify): ☐ Degree(s) obtained (specify):
 e. I have: ☐ professional/occupational license(s) (specify):
 ☐ vocational training (specify):

3. Tax information

- a. ☐ I last filed taxes for tax year (specify year):
 b. My tax filing status is ☐ single ☐ head of household ☐ married, filing separately
 ☐ married, filing jointly with (specify name):
 c. I file state tax returns in ☐ California ☐ other (specify state):
 d. I claim the following number of exemptions (including myself) on my taxes (specify):

4. Other party's income. I estimate the gross monthly income (before taxes) of the other party in this case at (specify): \$
 This estimate is based on (explain):

(If you need more space to answer any questions on this form, attach an 8 1/2-by-11-inch sheet of paper and write the question number before your answer.) Number of pages attached: _____

I declare under penalty of perjury under the laws of the State of California that the information contained on all pages of this form and any attachments is true and correct.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

PETITIONER:	
RESPONDENT:	
OTHER PARTY/PARENT/CLAIMANT:	
CASE NUMBER:	

Attach copies of your pay stubs for the last two months and proof of any other income. Take a copy of your latest federal tax return to the court hearing. (Black out your Social Security number on the pay stub and tax return.)

5. **Income** (For average monthly, add up all the income you received in each category in the last 12 months and divide the total by 12.)

Average	Monthly
\$	a. Salary or wages (gross, before taxes)
\$	b. Overtime (gross, before taxes)
\$	c. Commissions or bonuses
\$	d. Public assistance (for example: TANF, SSI, GA/GR) <input type="checkbox"/> currently receiving
\$	e. Spousal support <input type="checkbox"/> from this marriage <input type="checkbox"/> from a different marriage <input type="checkbox"/> federally taxable*
\$	f. Partner support <input type="checkbox"/> from this domestic partnership <input type="checkbox"/> from a different domestic partnership
\$	g. Pension/retirement fund payments
\$	h. Social Security retirement (not SSI)
\$	i. Disability: <input type="checkbox"/> Social Security (not SSI) <input type="checkbox"/> State disability (SDI) <input type="checkbox"/> Private insurance
\$	j. Unemployment compensation
\$	k. Workers' compensation
\$	l. Other (military allowances, royalty payments) (specify):

6. **Investment income** (Attach a schedule showing gross receipts less cash expenses for each piece of property.)

\$	a. Dividends/interest
\$	b. Rental property income
\$	c. Trust income
\$	d. Other (specify):

7. **Income from self-employment, after business expenses for all businesses**

I am the ☐ owner/sole proprietor ☐ business partner ☐ other (specify):

Number of years in this business (specify):

Name of business (specify):

Type of business (specify):

Attach a profit and loss statement for the last two years or a Schedule C from your last federal tax return. Black out your Social Security number. If you have more than one business, provide the information above for each of your businesses.

8. **Additional income.** I received one-time money (lottery winnings, inheritance, etc.) in the last 12 months (specify source and amount):

9. ☐ **Change in income.** My financial situation has changed significantly over the last 12 months because (specify):

10. **Deductions**

Last month	a. Required union dues
\$	b. Required retirement payments (not Social Security, FICA, 401(k), or IRA)
\$	c. Medical, hospital, dental, and other health insurance premiums (total monthly amount)
\$	d. Child support that I pay for children from other relationships
\$	e. Spousal support that I pay by court order from a different marriage <input type="checkbox"/> federally tax deductible*
\$	f. Partner support that I pay by court order from a different domestic partnership
\$	g. Necessary job-related expenses not reimbursed by my employer (attach explanation labeled "Question 10g")

11. **Assets**

Total	a. Cash and checking accounts, savings, credit union, money market, and other deposit accounts
\$	b. Stocks, bonds, and other assets I could easily sell
\$	c. All other property, <input type="checkbox"/> real and <input type="checkbox"/> personal (estimate fair market value minus the debts you owe)

PETITIONER: RESPONDENT: OTHER PARTY/PARENT/CLAIMANT:	CASE NUMBER:
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12. The following people live with me:

Name	Age	How the person is related to me (ex: son)	That person's gross monthly income	Pays some of the household expenses?
a.				<input type="checkbox"/> Yes <input type="checkbox"/> No
b.				<input type="checkbox"/> Yes <input type="checkbox"/> No
c.				<input type="checkbox"/> Yes <input type="checkbox"/> No
d.				<input type="checkbox"/> Yes <input type="checkbox"/> No
e.				<input type="checkbox"/> Yes <input type="checkbox"/> No

13. Average monthly expenses ☐ Estimated expenses ☐ Actual expenses ☐ Proposed needs

a. Home:

- | | |
|---|---|
| (1) <input type="checkbox"/> Rent or <input type="checkbox"/> mortgage\$
If mortgage:
(a) average principal:\$
(b) average interest:\$
(2) Real property taxes\$
(3) Homeowner's or renter's insurance
(if not included above)\$
(4) Maintenance and repair\$
b. Health-care costs not paid by insurance\$
c. Child care\$
d. Groceries and household supplies\$
e. Eating out\$
f. Utilities (gas, electric, water, trash)\$
g. Telephone, cell phone, and e-mail\$ | h. Laundry and cleaning\$
i. Clothes\$
j. Education\$
k. Entertainment, gifts, and vacation\$
l. Auto expenses and transportation
(insurance, gas, repairs, bus, etc.)\$
m. Insurance (life, accident, etc.; do not include
auto, home, or health insurance)\$
n. Savings and investments\$
o. Charitable contributions\$
p. Monthly payments listed in item 14
(itemize below in 14 and insert total here)\$
q. Other (specify):\$ |
|---|---|

r. TOTAL EXPENSES (a-q) (do not add in the amounts in a(1)(a) and (b))\$

s. Amount of expenses paid by others\$

14. Installment payments and debts not listed above

Paid to	For	Amount	Balance	Date of last payment
		\$	\$	
		\$	\$	
		\$	\$	
		\$	\$	
		\$	\$	
		\$	\$	

15. Attorney fees (This information is required if either party is requesting attorney fees.):

- a. To date, I have paid my attorney this amount for fees and costs (specify): \$
- b. The source of this money was (specify):
- c. I still owe the following fees and costs to my attorney (specify total owed): \$
- d. My attorney's hourly rate is (specify):

I confirm this fee arrangement.

Date:

(TYPE OR PRINT NAME OF ATTORNEY)

(SIGNATURE OF ATTORNEY)

PETITIONER:	
RESPONDENT:	
OTHER PARTY/PARENT/CLAIMANT:	
CASE NUMBER:	

CHILD SUPPORT INFORMATION
(NOTE: Fill out this page only if your case involves child support.)

16. Number of children
- a. I have (specify number): children under the age of 18 with the other parent in this case.
- b. The children spend percent of their time with me and percent of their time with the other parent. (If you're not sure about percentage or it has not been agreed on, please describe your parenting schedule here.)

17. Children's health-care expenses
- a. ☐ I do ☐ I do not have health insurance available to me for the children through my job.
- b. Name of insurance company:
- c. Address of insurance company:

- d. The monthly cost for the children's health insurance is or would be (specify): \$ (Do not include the amount your employer pays.)

18. Additional expenses for the children in this case
- a. Child care so I can work or get job training \$ Amount per month
- b. Children's health care not covered by insurance \$
- c. Travel expenses for visitation \$
- d. Children's educational or other special needs (specify below): \$

19. Special hardships. I ask the court to consider the following special financial circumstances (attach documentation of any item listed here, including court orders):

- a. Extraordinary health expenses not included in 18b \$ Amount per month For how many months?
- b. Major losses not covered by insurance (examples: fire, theft, other insured loss) \$
- c. (1) Expenses for my minor children who are from other relationships and are living with me \$
- (2) Names and ages of those children (specify): \$

- (3) Child support I receive for those children \$
- The expenses listed in a, b and c create an extreme financial hardship because (explain):

20. Other information I want the court to know concerning support in my case (specify):

What is "service"?

Service is the act of giving your court papers to the other party in your case. There are different ways to serve the other party: in person, by mail, and others.

Why do I have to serve my legal papers?

Before a judge can grant a domestic violence restraining order (that can last up to five years), the person you want a restraining order against must know about your request and have a chance to go to court to explain their side. Also, if a restraining order is in place, the police cannot arrest the restrained person for violating the restraining order until the restrained person is served with the order.



What is "personal service"?

Personal service is when someone, known as a server, personally delivers your court papers to the other party.

In most cases, these forms must be served to the other party by personal service:

- ▶ Form DV-109;
- ▶ Form DV-100;
- ▶ Form DV-110;
- ▶ Form DV-120 (leave this form blank);
- ▶ Form DV-120-INFO; and
- ▶ Form DV-250 (leave this form blank).

Who can serve?

Any adult who is not protected by the restraining order can serve your court papers. **You cannot serve your own court papers.**



Some situations may be dangerous. Think about people's safety when deciding who you want to serve your papers.

A sheriff or marshal will serve your court papers for free. A registered process server is a business you pay to deliver papers. To hire a process server, look for "process server" on the internet or in the yellow pages.

How do I have my court papers served?

○ Step 1: Choose a server

The person who gives your court papers to the other party is called a server. Your server must be at least 18-years-old. They must not be protected by the restraining order or involved in your case. This means that you cannot serve your own court papers.

○ Step 2: Have your server give your court papers to the other party

Give your server these instructions:

- 1 Before you serve the forms, note which forms you have, including the name of the form and the form number. See form DV-200 for a list of forms.
- 2 Find the person you need to serve. Make sure you are serving the right person by asking the person's name.
- 3 Give the person the papers. If the person refuses to take the papers, put them on the ground or somewhere next to the person. The person doesn't have to touch or sign for the papers. It is okay if they tear them up.
- 4 Fill out form DV-200 completely and sign.
- 5 File form DV-200 with the court or give form DV-200 to the person who is asking for the restraining order so they can file it.

○ Step 3: File proof with the court

The court needs proof that service happened and that it was done correctly. If your server was successful, have your server fully complete and sign form DV-200. **The person you want restrained does not sign anything.**

Take form DV-200 to the court to file in your case as soon as possible. This information will automatically go into a restraining order database that police have access to.

If the sheriff or marshal served your court papers, they may use another form for proof besides form DV-200. Make sure a copy is filed with the court and that you get a copy.



When is the deadline to serve my court papers?

It depends. To know the exact date, you need to look at two items on form DV-109. Follow these steps:

- Step 1: Look at the court date listed under ③ on page 1.

③ Notice of Court Hearing

A court hearing is scheduled on

Hearing	Date:	Dept:
Date		

- Step 2: Look at the number of days written in ⑥ on page 2.

⑥ Service of Documents by the Person

At least ☐ five ☐ days before the

- Step 3: Look at a calendar. Subtract the number of days in ⑥ from the court date. That's the deadline to have your court papers served. It's okay to serve your court papers before the deadline.
- If nothing is written in ⑥, you must have your court papers served at least five days before your court date.

What happens if I can't get my court papers served before the court date?

You will need to ask the court to reschedule (continue) your court date. Fill out and file form DV-115 and form DV-116. These forms ask the judge for a new court date and to make any temporary orders last until the end of the new court date.

If the judge gives you a new court date, the person you want restrained will have to be served with form DV-116, form DV-115, and the original papers you filed. You should keep a copy of form DV-115, form DV-116, and a copy of your original paperwork. That way, the police will know your orders are still in effect. For more information on asking for a new court date, read form DV-115-INFO.

What if the other party is avoiding (evading) service?

If you've tried many times to serve the restrained person, and you can show the judge that the restrained person is avoiding (evading) service, you may ask the court to allow you to serve another way. If you want to make this request, at your first court date tell the judge details about your attempts to have the restrained person served. The judge may require a written statement for this.

Read form DV-205-INFO, *What if the Person I Want Protection From is Avoiding (Evading) Service?*, for more information.

Clerk stamps date here when form is filed.

1 Name of Party Asking for Protection:**2 Name of Party to Be Restrained:****3 Notice to Server**

The server must:

- Be 18 years of age or older.
- Not be listed in items **1** or **8** of form DV-100, *Request for Domestic Violence Restraining Order*.
- Give a copy of all documents checked in **4** to the restrained party in **2** (You cannot send them by mail). Then complete and sign this form, and give or mail it to the person in **1**.



Fill in court name and street address:

Superior Court of California, County of
STANISLAUS
1100 I STREET
P.O. BOX 1098
MODESTO, CA 95353

Court clerk fill in case number when form is filed.

Case Number:**4** I gave the party 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*)
- g. ☐ DV-116 (*Order on Request to Continue Hearing*)
- h. ☐ DV-130 (*Restraining Order After Hearing*)
- i. ☐ Other (*specify*):

5 I personally gave copies of the documents checked above to the party 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 Server's Signature

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

Date: _____

Type or print server's name

Server to sign here

