

SUPERIOR COURT SAN BENITO COUNTY

SELF-HELP CENTER

450 Fourth Street Hollister, CA 95023

Request for Restraining **Order**

Domestic Violence Prevention

With Children

**BEFORE FILING, BRING THESE COMPLETED FORMS TO THE
SELF- HELP CENTER FOR A REVIEW.**

*For assistance please come in during our **Walk-in hours***

Monday to Friday 8:00am – 3:00pm

*Feel free to reach us at **(831)-636-4057***

Or at Self-help@sanbenitocourt.org

English

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 the restraining order help me?

The court can order the restrained person to:

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

Does this request cost money to file?

No, filing this request with the court is free.

How soon can I get the order?

The judge will decide within one business day whether to grant you a temporary restraining order. Sometimes the judge decides sooner.

How long does the order last?

If the judge makes a temporary order, it will last until your hearing date (court date). At your court date, the judge will decide whether to grant you a long-term restraining order that can last up to five years.

Do I have to go to court?

Yes. Go to court on the date the clerk gives you. If you do not, any order you have will end. To learn more about what to expect at your court date go to

<https://selfhelp.courts.ca.gov/prepare-your-restraining-order-court-date> or read [form DV-520-INFO, Get Ready for the Restraining Order Court Hearing](#).

Am I eligible?

You can ask for one if:

1 You want a restraining order against:

- 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);
- Someone you live with or used to live with (more than just roommates);

and

2 That person has been abusive.

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, repeatedly contacting you, and disturbing your peace.

Disturbing your peace means destroy your 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 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; and making them do something that they don't want to do by force, threat, or intimidation. This includes threats related to actual or suspected immigration status.

How do I ask for a domestic violence restraining order?

See [form DV-505-INFO, How Do I Ask for a Temporary Restraining Order?](#) The forms are available at any California courthouse or county law library or at: www.courts.ca.gov/forms.

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

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 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://www.courts.ca.gov/selfhelp-abuse.htm>.

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

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

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

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

Is the restraining order valid outside of California?

Yes, the restraining order would be valid anywhere in the United States. This means that police must enforce the restraining order anywhere in the country.

What if I don't have a green card?

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

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.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 and help in over 100 languages. Call them at 1-800-799-7233; 1-800-787-3224 (TTY); or visit online at www.thehotline.org.

I need an interpreter. How can I get help?



You may 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/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, § 54.8.)

DV-505-INFO How Do I Ask For a Temporary Restraining Order?

1 Use this form as a checklist.

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

a. For a restraining order you need these forms:

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

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

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

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

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

* Read *Which Financial Form—FL-155 or FL-150?* (form DV-570) to know which one is right for you.

d. Ask the clerk if your county has special forms or rules.

e. There are other forms you will need later (*do not fill them out now*):

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

The diagram shows a portion of form DV-109, 'Notice of Court Hearing'. A callout bubble from step 1 of the checklist points to the first section of the form, which is labeled '1 Name of Person Asking for Order'. Below this label is a line for the name, followed by the text 'Your lawyer in this case (if you have one)'.

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

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

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

What to do with your copies:

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

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

DV-505-INFO How Do I Ask For a Temporary Restraining Order?

5 Know your hearing date: Form DV-109

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

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

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

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

DV-109 Notice of Court Hearing

(1) Name of Person Asking for Order:
Your lawyer in this case (if you have one):
Name: _____
Firm Name: _____
Address: (If you do not have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and want to keep your house address private, give a different mailing address instead. This does not have to give your telephone, fax, or e-mail.)
City: _____ State: _____ Zip: _____
Telephone: _____
E-Mail Address: _____

(2) Name of Person to Be Restrained:
The court will fill out the rest of this form.

(3) Notice of Court Hearing
A court hearing is scheduled on the request for restraining orders against the person in (2).
Hearing Date: _____ Hearing Time: _____
Name and address of court (if different from above): _____

(4) Temporary Restraining Orders (any orders granted are attached on Form DV-110)
a. Temporary restraining orders for personal conduct, stay away, and protection of animals, as requested on Form DV-100, Request for Temporary Restraining Order, are:
(1) ☐ All granted until the court hearing.
(2) ☐ All denied until the court hearing (specify reasons for denial in (b)).
(3) ☐ Partially granted and partially denied until the court hearing (specify reasons for denial in (b)).
b. Requested temporary restraining orders for personal conduct, stay away, and protection of animals are denied because:
(1) ☐ The facts as stated on Form DV-100 do not show reasonable proof of a past act or acts of abuse. (Specify Code: 16 6700 and 6750-5)
(2) ☐ The facts do not describe in sufficient detail the most recent incidents of abuse, such as what happened, the dates, who did what to whom, or any injuries or history of abuse.
(3) ☐ I revoke my request for denial, or reason not listed above.

This is a Court Order.
Notice of Court Hearing (Domestic Violence Prevention)
CV-108a, (rev. 1/01)

6 "Serve" the restrained party.

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

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

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

A "process server" is a business you pay to deliver court forms. Look in the Yellow Pages or on the Internet under "Process Serving."

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

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

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

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

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



Don't serve it by mail!

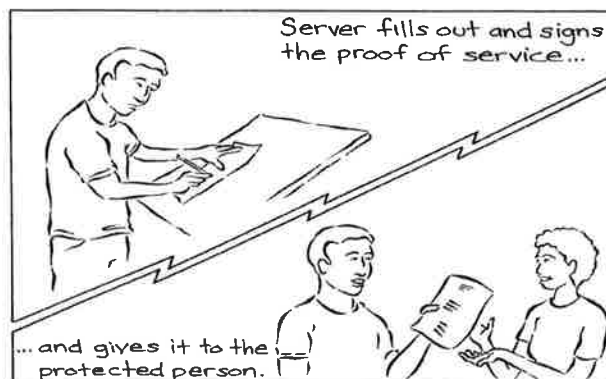
DV-505-INFO How Do I Ask For a Temporary Restraining Order?

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

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

If the judge signs form DV-116, any restraining orders will last until the end of the new hearing.

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



9 Need help?

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

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

10 Need more help?

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

1-800-799-7233

TDD: 1-800-787-3224

It's free and private.

They can help you in more than 100 languages.

Please contact the San Benito Co. Superior Court
Family Court Services/ Self Help at
831-636-4057 xt 104 or
via email: self-help@sanbenito.courts.ca.gov

ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS):		TELEPHONE NO:	For Court Use Only
ATTORNEY FOR (NAME)			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BENITO 450 Fourth Street Hollister, CA 95045			
Plaintiff/Petitioner: Defendant/Respondent:			
DECLARATION RE: NOTICE FOR EX PARTE APPLICATION FOR ORDERS			CASE NO:

I, (name): _____ declare as follows:

1. I am the ☐ attorney for ☒ Plaintiff/Petitioner ☐ Defendant/Respondent ☐ other (explain) _____ in the within action.
2. Pursuant to California Rules of Court, rule 379, I have given advance notice no later than 10:00 a.m. the court day before the ex parte appearance to all relevant or opposing parties in this action in the following manner:
 - a) ☐ Person(s) to whom notice was given (name): _____
 - b) ☐ By telephone call on (date): _____ at (time) _____
 - c) ☐ By letter ☐ mailed ☐ personally delivered on (date) _____
 - d) ☐ Other (describe): _____
 - e) I received the following response (describe) _____
3. Notice cannot or should not be given for the following reasons (if you check any box in parts 3a-3d, you must explain in detail under part 3e):
 - a) ☒ Notice of this ex parte application would frustrate the purpose of the orders sought herein (explain below)
 - b) ☐ No applicant would suffer immediate and irreparable harm before the adverse party could be heard in opposition (explain below)
 - c) ☐ No significant direct burden or inconvenience to the adverse party will likely result from the orders sought herein (explain below)
 - d) ☐ I made the following reasonable and good faith efforts, detailed below, to notify the adverse party and further efforts to give notice would probably be futile or unduly burdensome (explain below)
 - e) ☒ Other (explaining or describe in detail) _____

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

Date:

(TYPE OR PRINT NAME)

▶

(SIGNATURE OF DECLARANT)

**DECLARATION RE: NOTICE
FOR EX PARTE APPLICATION FOR ORDERS**

CONFIDENTIAL
CLETS Information

**California Law Enforcement Telecommunications System (CLETS)
Information Form**

- ☒ This form is submitted with the initial filing (date): _____
- ☐ This is an amended form (date): _____

Important: This form **MUST NOT** become part of the public court file. It is confidential and private.

Fill out as much of this form as you can and give it to the court clerk. If the court issues a restraining order, this form will provide law enforcement with information that will help them enforce it. If any of this information changes, fill out a new (amended) form.

Case Number (if you know it): _____

1 Person to Be Protected (Name): _____

Sex: ☐ M ☐ F Height: _____ Weight: _____ Race: _____

Hair Color: _____ Eye Color: _____ Age: _____ Date of Birth: _____

Mailing Address (listed on restraining order): _____

City: _____ State: _____ Zip: _____ Telephone (optional): _____

Vehicle (Type, Model, Year): _____ (License Number and State): _____

2 Person to Be Restrained (Name): _____

Sex: ☐ M ☐ F Height: _____ Weight: _____ Race: _____

Hair Color: _____ Eye Color: _____ Age: _____ Date of Birth: _____

Residence Address: _____

City: _____ State: _____ Zip: _____ Telephone: _____

Business Address: _____

City: _____ State: _____ Zip: _____ Telephone: _____

Employer: _____

Occupation/Title: _____ Work Hours: _____

Driver's License Number and State: _____ Social Security Number: _____

Vehicle (Type, Model, Year): _____ (License Number and State): _____

Describe any marks, scars, or tattoos: _____

Other names used by the restrained person: _____

3 Guns or Firearms Describe any guns or firearms that you believe the person in **(2)** owns or has access to (Number, types, and locations): _____

4 Other People to Be Protected

Name	Date of Birth	Sex	Race	Relation to Person in (1)
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

☐ Additional persons to be protected are listed on Attachment 4.

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

④ **Other People to Be Protected (Continued)**

<u>Name</u>	<u>Date of Birth</u>	<u>Sex</u>	<u>Race</u>	<u>Relation to Person in 1</u>

Instructions

To ask for a domestic violence restraining order, you will need to complete this form and other forms (see page 12 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) Domestic Violence Prevention for more information on how to protect the child's information.

Fill in court name and street address:

Superior Court of California, County of
San Benito
450 Fourth Street
Hollister, CA 95023

Court fills in case number when form is filed.

Case Number:**1 Person Asking for Protection**a. **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:** _____**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 |
| ☐ Child, stepchild, or legally adopted child | ☐ Grandparent, step-grandparent, or grandparent-in-law |
| ☐ Child's spouse | ☐ 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?): _____

This is not a Court Order.

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.

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:

This is not a Court Order.

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.

8 Other Protected People

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

a. ☐ No

b. ☐ Yes (If yes, complete the section below):

(1) <u>Full name</u>	<u>Age</u>	<u>Relationship to you</u>	<u>Lives with you?</u>
			☐ Yes ☐ No
			☐ Yes ☐ No
			☐ Yes ☐ No
			☐ Yes ☐ No

☐ Check this box if you need to list more people. Use a separate piece of paper and write "DV-100, Other Protected People" at the top. Turn it in with this form.

(2) Why do these people need protection?

9 Does Person in ② Have Firearms (Guns), Firearm Parts, or Ammunition?

(A firearm includes a handgun, rifle, shotgun, and assault weapon. A firearm part means a receiver, frame, or unfinished receiver or unfinished frame. Ammunition includes bullets, shells, cartridges, and clips.)

a. ☐ I don't know

b. ☐ No

c. ☐ Yes (If you have information, complete the section below.)

Describe firearms (guns), firearm parts, or ammunition	How many or what amount?	Location, if known
(1)		
(2)		
(3)		
(4)		
(5)		
(6)		

This is not a Court Order.

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 vehicle.

☐ My children's school or childcare.

☐ My home.

☐ My school.

☐ Other (please explain): _____

☐ My job or workplace.

☐ Each person in (8). _____

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.

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. | ☐ I have lived at this address for _____ years, _____ months. |
| ☐ My name is on the lease. | ☐ I pay for some or all the rent or mortgage. |
| ☐ I live at this address with my child(ren). | ☐ 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 | • No visits with your children |
| • Stop person in (2) from accessing your child's school or medical information | • Supervised (monitored) visits with your children |
| | • Unsupervised (unmonitored) visits with your children |

This is not a Court Order.

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.

20 ☐ Property Restraint *(only if you are married or a registered domestic partner with the 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.

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

(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.)

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

22 ☐ Pay Debts (Bills) Owed for Property

(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.)

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

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

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

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

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

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

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

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

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

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

☐ a(1) ☐ a(2) ☐ a(3)

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

☐ No ☐ Yes

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

This is not a Court Order.

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: \$ _____

24 ☐ Child Support *(this only applies 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 *(this only applies if you are 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.

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 a batterer's intervention program is to stop abuse. There are weekly classes to teach accountability, abuse effects, and gender roles. If ordered to complete this program, the person in (2) would have to show proof to the judge that they enrolled and completed the program.)

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): _____

This is not a Court Order.

Automatic Orders if the Judge Grants Restraining Order**29 No Firearms (Guns), Firearm Parts, or Ammunition**

If the judge grants you a restraining order, the person in ② must turn in, sell, or store any firearms (guns), firearm parts, or ammunition that they have or control. The person in ② would also be prohibited from buying firearms (guns), firearm parts, and ammunition.

30 Cannot Look for Protected People

If the judge grants you a restraining order, the person in ② will not be allowed to 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.

31 Additional pages

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

32 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

33 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 CLETS Information*
- **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 pick up.**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. Learn more about how to "serve" your papers and prepare for your court date: <https://selfhelp.courts.ca.gov/sheriff-serves-your-request-restraining-order>.****4 If you are asking for child support, spousal support, or lawyer's fees, 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.

Case Number:

④ Describe abuse to you or your children.

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

- 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 or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page or a sheet of stationery.

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

- e. Describe any injuries: _____

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

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

The Emergency Protective Order protects ☐ You ☐ The person in ②

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

⑤ Describe abuse to you or your children.

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

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	_____	☐	☐	☐
☐ Check here if you want to keep your current location private. List the state only.				
From: _____ Until: _____	_____	☐	☐	☐
From: _____ Until: _____	_____	☐	☐	☐
From: _____ Until: _____	_____	☐	☐	☐
From: _____ Until: _____	_____	☐	☐	☐
From: _____ Until: _____	_____	☐	☐	☐
From: _____ Until: _____	_____	☐	☐	☐

Other* (relationship to child): _____

This is not a Court Order.

5 History of Court Cases Involving Your Childrena. 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.**

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).

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*):

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.

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

☐ 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).*)

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

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

☐ Yes (*Go to (12).*)

☐ No (*Go to (13).*)

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)**.

13 Details 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) _____

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 SAN BENITO STREET ADDRESS: 450 Fourth Street MAILING ADDRESS: CITY AND ZIP CODE: Hollister, CA 95023 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) ☐ per month ☐ per week ☐ 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:
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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.)

	Last month	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) ☐ currently receiving	\$	\$
e. Spousal support ☐ from this marriage ☐ from a different marriage ☐ federally taxable*	\$	\$
f. Partner support ☐ from this domestic partnership ☐ from a different domestic partnership	\$	\$
g. Pension/retirement fund payments	\$	\$
h. Social Security retirement (not SSI)	\$	\$
i. Disability: ☐ Social Security (not SSI) ☐ State disability (SDI) ☐ 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 ☐ 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, ☐ real and ☐ personal (estimate fair market value minus the debts you owe)	\$

* Check the box if the spousal support order or judgment was executed by the parties and the court before January 1, 2019, or if a court-ordered change maintains the spousal support payments as taxable income to the recipient and tax deductible to the payor.

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.				☐ Yes ☐ No
b.				☐ Yes ☐ No
c.				☐ Yes ☐ No
d.				☐ Yes ☐ No
e.				☐ Yes ☐ No

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

a. Home:

(1) ☐ Rent or ☐ 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 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:

NOT APPLICABLE

(TYPE OR PRINT NAME)

NOT APPLICABLE

(SIGNATURE OF DECLARANT)

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

Amount per month

- a. Child care so I can work or get job training \$ _____
- 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) :*

Amount per month

For how many months?

- a. Extraordinary health expenses not included in 18b \$ _____
- 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)*:**

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: _____

The court will fill out the rest of this form.

Fill in court name and street address:

Superior Court of California, County of
San Benito
450 Fourth Street
Hollister, CA 95023

Court fills in case number when form is filed.

Case Number:**③ Notice of Hearing**

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



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

Name and address of court if different from above:

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.

④ Temporary Restraining Orders (Any orders granted are attached on form DV-110.)

a. Temporary Restraining Orders (any order requested under Family Code section 6320):

(Check one):

- (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 below in b.)

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:



5 Confidential Information Regarding Minor

- a. ☐ A *Request to Keep Minor's Information Confidential* (form DV-160) was made and **granted** (see form DV-165, *Order on Request to Keep Minor's Information Confidential*, served with this form.)
- 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.

6 Service of Documents by the Person in ①

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:

- a. DV-100, *Request for Domestic Violence Restraining Order* (file-stamped)
- b. ☐ DV-110, *Temporary Restraining Order* (file-stamped) **if granted**
- c. DV-120, *Response to Request for Domestic Violence Restraining Order* (blank form)
- d. DV-120-INFO, *How Can I Respond to a Request for Domestic Violence Restraining Order?*
- e. DV-250, *Proof of Service by Mail* (blank form)
- f. ☐ 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**
- g. ☐ Other (specify): _____

Judge's Signature

Date: _____

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

- If item ④ a(2) or ④ a(3) is checked, the judge has denied some or all of the temporary orders you requested until the court hearing. The judge may make the orders you want after the court hearing. You can keep the hearing date, or you can cancel your request for orders so there is no court hearing.
- If you want to cancel the hearing, use form DV-112, *Waiver of Hearing on Denied Request for Temporary Restraining Order*. Fill it out and file it with the court as soon as possible. You may file a new request for orders, on the same or different facts, at a later time.
- If you cancel the hearing, do not serve the documents listed in item ⑥ on the other person.
- If you want to keep the hearing date, you must have all of the documents listed in item ⑥ served on the other person within the time listed in item ⑥.
- At the hearing, the judge will consider whether denial of any requested orders will jeopardize your safety and the safety of children for whom you are requesting custody or visitation.
- You must attend the hearing if you want the judge to make restraining orders or continue any orders already made. If you cancel the hearing or do not attend the hearing, any restraining orders made on form DV-110 will end on the date of the hearing.

To the Person in ① :

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

To the Person in ② :

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

**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—

Clerk's Certificate
[seal]

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

Date: _____ Clerk, by _____, Deputy

DV-110 Temporary Restraining Order

☐ Original Order ☐ Amended Order

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

Clerk stamps date here when form is filed.

① **Protected Person** (name): _____

② **Restrained Person**

*Full Name: _____

*Gender: ☐ M ☐ F ☐ Nonbinary

*Age: _____ (Give estimate, if age unknown.)

Date of Birth: _____ Height: _____ Weight: _____

Hair Color: _____ Eye Color: _____

*Race: _____

Relationship to person in ①: _____

Address of restrained person: _____

City: _____ State: _____ Zip: _____

Type, number, and location of firearms, firearm parts, or ammunition:

(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.)

Fill in court name and street address:

Superior Court of California, County of
San Benito
450 Fourth Street
Hollister, CA 95023

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 ⑧ through ⑪.

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 items 5 through 20. 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 (receiver, frame, or unfinished receiver or frame as defined in 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 ☐ Restrained Person Has Prohibited Items

The court finds that you have the following prohibited items:

a. Firearms and/or firearm parts

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

b. Ammunition

Description	Amount, if known	Location, if known	Proof of compliance received by the court
(1) _____	_____	_____	☐ (date): _____
(2) _____	_____	_____	☐ (date): _____
(3) _____	_____	_____	☐ (date): _____
(4) _____	_____	_____	☐ (date): _____

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 ⑤b) 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.



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

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

8 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.

9 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.

10 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.
- b. ☐ Exception to 10a:
- (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 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. | ☐ School of person in ①. |
| ☐ Home of person in ①. | ☐ Persons in ③. |
| ☐ Job or workplace of person in ①. | ☐ Children's school or child care. |
| ☐ Vehicle of person in ①. | ☐ Other (<i>explain</i>): _____ |
- b. ☐ Exception to 11a:
- 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 Order to Move Out ☐ Not requested ☐ Denied until the hearing ☐ Granted as follows:

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

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

This is a Court Order.

- 14 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): _____.

- 15 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
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

- 16 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:

- 17 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.

- 18 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.

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

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 ⑧, 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.)

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

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

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

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

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

21 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 • Batterer Intervention Program
- Spousal Support • Pay Expenses Caused by Abuse • Transfer of Wireless Phone Account

22 No Fee to Serve (Notify) Restrained Person

The sheriff or marshal will serve this order for free.

Bring a copy of all the papers that you need to be served to the sheriff or marshal.

23 ☐ 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: _____

Judge's Signature

Date: _____

Judge or Judicial Officer

This is a Court Order.

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.

**Temporary Restraining Order
(CLETS—TRO)
(Domestic Violence Prevention)**

Instructions for Law Enforcement

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

Duties of Officer Serving This Order

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

- 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.
- Order the Restrained Person to immediately surrender to you all prohibited items
- Issue a receipt to the Restrained Person for all prohibited items that have been surrendered.
- Complete a proof of personal service and file it with the court. You may use form DV-200 for this purpose.

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.

Arrest Required if Order Is Violated

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

If the Protected Person Contacts the Restrained Person

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

Child Custody and Visitation

Child custody and visitation orders are listed on form DV-140 or another attached form. If the judge made these orders, look at items ⑩ and ⑪ 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.**

This is a Court Order.

Temporary Restraining Order
(CLETS—TRO)
(Domestic Violence Prevention)



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 ⑩ 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.)

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.

DV-110 OTHER PROTECTED PEOPLE

Other People to Be Protected (Continued)

[illegible]

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-105, 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. ☐ State of Californiab. ☐ United Statesb. ☐ 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.**

6 ☐ Judge's Decision on Request for Orders to Prevent Child Abduction *(attach form DV-145)***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 (name): _____

- 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 (name): _____

- 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: _____

_____**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.)

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): _____**This is a Court Order.**

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.**

12

**Visitation Schedule for Person in 2**

	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:

☐ Every week ☐ 1st and 3rd week of every month ☐ 2nd and 4th week of every month
☐ Other _____

Start date for visits (month, day, year) _____

13

**Other Orders**

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

14

Country of Habitual Residence

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

15

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.

16

Penalties for Violating This Order

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

This is a Court Order.

Once you have completed and filed your packet:

Request for Restraining Order



Serve it!



You must have the other party personally served by someone who is 18 years or older. It cannot be you. They must complete form **DV-200 → Proof of Personal Service.**

The other party must be served with a copy of your packet **Request for Restraining Order** and

- **“How to answer to a restraining order”** packet for the restrained party.

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:

- ❶ 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.
- ❷ Find the person you need to serve. Make sure you are serving the right person by asking the person's name.
- ❸ 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.
- ❹ Fill out form DV-200 completely and sign.
- ❺ 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	→ Date: _____
	Dept.: _____

- ☐ **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 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.

DV-200 Proof of Personal Service

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 San Benito
450 Fourth Street
Hollister, CA 95023

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