# Domestic Violence Restraining Orders Instruction Booklet

Obtaining a Restraining Order is a legal process. There are many forms required. If you need help, please contact any of the agencies listed on the inside front cover of this booklet.

Go to a place where you feel safe and comfortable to read this booklet and fill out your forms. Make a list of the information you need to get so you can fill out all the forms. Get help if you need it.

READ THESE INSTRUCTIONS CAREFULLY.

Form Approved for Optional Use
Judicial Council of California
DV-150 [Rev. January 1, 2001]

WEST GROUP

**If you want more help, check the telephone book's Yellow Pages under victim services, battered women's services, or legal services. Some courts offer assistance at domestic violence clinics. Ask your court for a list of local court-connected help centers.**

**The National Domestic Violence Hotline Number is:**
**1-800-799-7233/SAFE**

**LOCAL RESOURCES:**

*[Note to Courts: This page is a placeholder for your list of local court-connected help centers. Before photocopying this booklet, please replace this page with that list, which will then become the first page or inside front cover.]*

# LOCAL COURT PROCEDURES

*Pursuant to Family Code, § 6380(g) (as amended by A.B. 2177 and S.B. 1682)*

| | |
|---|---|
| **Where Do I Go to Get a Restraining Order?** | *[Court address and telephone number]*<br><br>*[Directions to the courthouse]*<br><br>See map attached. *[Attach map]* |
| **Where Is the Clerk of the Court?** | *[Floor and room numbers]*<br>*[Name of clerk(s) if appropriate]*<br><br>*[Directions on how to find the clerk's office]*<br><br>See map attached. *[Attach map]* |
| **Where Is the Courtroom for My Hearing?** | *[Floor and room numbers]*<br>Your hearing will be before Judge *[name(s) of judge(s)]*<br><br>*[Directions on how to find the courtroom(s)]*<br><br>See map attached. *[Attach map]* |
| **What Is the First Thing I Should Do?** | *[Explain the first step, e.g., "First go to the clerk's office and ask for the **free** packet of domestic violence forms."]*<br><br>Then follow the steps on pages 83–86 of this booklet. |
| **Where Can I Go to Have the Papers Served?** | *[Names and addresses]*<br><br>*[Directions if in the same building/complex]*<br><br>See map attached. *[Attach map]*<br>You can also ask someone you know who is over 18 years old to serve the papers, or hire a private process server. |
| **Special Local Rules** | *[Describe local court procedures that differ from the steps on pages 83–86 of this booklet.]* |

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# DOMESTIC VIOLENCE RESTRAINING ORDERS INSTRUCTION BOOKLET

## GENERAL INTRODUCTION

**Why Would I Want a Restraining Order?**

To protect you or your children under age 18 who live with you from **violence or threats of violence**. The violence or threats must come from someone in your family or in your home or with whom you have a close relationship.

**Do I Qualify for These Domestic Violence Prevention Orders?**

Only if there is both (1) a close relationship and (2) actual or threatened abuse. This means:

**(1) Close Relationship**

The person you want to restrain is a:

- spouse or former spouse;
- person you are dating or used to date (it does not have to be to be an intimate or sexual relationship);
- mother or father of your child;
- related to you by blood, marriage, or adoption (example: mother, father, child, brother, sister, grandparent, in-law);
- person who regularly lives or used to live in your home.

**and**

**(2) Actual or Threatened Abuse**

The person you want to restrain has done one of the following things to you and/or to a person related to you as described above:

- physically injured or attempted to injure you;
- sexually assaulted you;
- threatened you;
- attacked, struck, or battered you;
- molested you;
- harassed you;
- stalked you;
- harassed or threatened you by telephone or message;
- destroyed your personal property;
- disturbed your peace.

Abuse can be physical, sexual, or verbal. It can include spoken or written abuse.

**What Types of Orders Can I Get?**

**(1) Personal Conduct Orders**

These are orders to stop specific acts against you and anyone else included in the restraining order. This order can stop the restrained person from doing the following things to you and other protected people in the order:

- contacting;

- sending any message to;
- molesting;
- attacking;
- striking;
- stalking;
- threatening;
- sexually assaulting;
- battering;
- harassing;
- telephoning;
- destroying personal property;
- disturbing your peace.

**(2) Stay-Away Orders**

Orders to keep the person you want to restrain away from:

- you;
- where you live;
- your place of work;
- your child's school or place of child care;
- your vehicle;
- other important places where you go.

**(3) Residence Exclusion (Kick-Out) Orders**

Orders telling the person to be restrained to move out from where you live and take only clothing and personal belongings until the court hearing.

**(4) Other Important Orders**

Other orders for your safety and the safety of the people in your household can include:

- custody and visitation orders for the children under age 18 you have with the restrained person (please see *Legal Terms of Custody Defined* on page 9 of this booklet);
- child support orders;
- orders assigning temporary use, control, and possession of particular vehicles, bank accounts, keys, and household items and furnishings that you may have shared with the restrained person;
- orders stating who is responsible for payment of specific bills that come due;
- orders requiring the surrender of firearms;
- other orders specific to your case.

## Must I Have a Lawyer to Get These Orders?

No. Lawyers are helpful, but you can file these forms even if you don't have a lawyer. Just follow the steps in this booklet and check with the clerk of your local court to find out if there are any special local rules that you need to know and follow.

If you want more help, check the telephone book's Yellow Pages under victim services, battered women's services, or legal services.

Some courts offer assistance at domestic violence clinics. Ask your court for a list of local court-connected help centers. A list of these may also be included on the inside front cover of this booklet. The National Domestic Violence Hotline (1-800-799-7233/SAFE) can give you referrals to a local hotline.

If you do not qualify for domestic violence restraining orders, then you may qualify for a civil harassment order, or you can consult a lawyer who may be able to help you get a different type of restraining order. You can pick up civil harassment forms from the clerk.

### Can I Use These Orders to Get Divorced?

No. You can use these orders to protect you while you are getting divorced, but these forms will not end your marriage. The orders you can get by filling out the papers in this packet are all orders under the Domestic Violence Prevention Act. They do not cover all family law issues.

- If you are married to the person to be restrained or have minor children together, and you can hire a lawyer to help you, it is a good idea to get legal advice.
- If you have children with the person to be restrained but are not married, you may want to get advice from a lawyer on filing a separate parentage or custody action.

### What Do I Need to Get Started?

1. You need the Domestic Violence Prevention Act (DVPA) forms. (Please see *What Forms Do I Need to Obtain a Restraining Order?* on page 6 of this booklet.) These forms are available free in the clerk's office (Family Code, § 6222). You can also print out these forms from the California Courts Web site (located at *http://www.courtinfo.ca.gov/forms*).
2. A typewriter if possible, or someone with neat handwriting. There are also computer programs that you can use that have these DVPA forms.

Some local family law clinics, women's shelters, libraries, and courts have programs to help you complete domestic violence restraining order forms. They may also have typewriters you can use.

In some counties, you may turn in a handwritten form if your handwriting is easy to read. Only fill out the form by hand if you cannot find a typewriter or computer to use, and if your county will accept a handwritten form.

### What Do I Do With These Forms?

Read and follow the steps in the section *What Do I Do Now That I Have Completed the Forms?* on pages 83–86 of this booklet.

**—Serve the Forms**
"Serve" is a legal term. It means to **personally deliver** the completed forms to the person to be restrained. You have to make sure the person to be restrained is served with the papers, so the person will know what the judge ordered. If you don't serve the person, the police will have a harder time arresting the person for violating the orders. Choose someone to serve the completed forms (you cannot do this yourself).

**—Who Serves the Person to Be Restrained?**
Anyone over 18 ***(but not you or anyone listed as a protected person on the paperwork)*** can serve the completed forms. Or you can pay a person whose job is to serve papers (a process server) or pay the sheriff's or marshal's office to do this for you.

**—Fee Waiver**
If you cannot afford to pay, you may file a fee waiver application with the court. The judge may waive your fee with the sheriff or marshal. They will then serve your papers for free.

If the person to be restrained is in jail, there is no fee to have the person served (Government Code, § 26721).

**—Proof of Service**
To prove that you served the person to be restrained, you must file a completed *Proof of Service* (form DV-140) with the court. File the form before your hearing or bring it to your hearing. The person who serves the legal papers fills out and signs the *Proof of Service* form. Don't fill out the form yourself.

## How Soon Can I Get Temporary Orders?

Once the judge has your completed forms, the judge will make a decision that very day unless you bring the forms to court too late in the day for the judge to review them. You can be sure that you will have your decision by the next day the court does business.

In some cases, you must give notice that you are requesting a restraining order to the person to be restrained. Check with the court clerk, an attorney, or a shelter to find out what you should do.

## How Long Do the Temporary Orders Last?

Until the date of your court hearing on the restraining orders (usually about three weeks). After that, the court can give you a longer-term restraining order lasting up to three years.

## How Long Can Restraining Orders Last?

Three years, unless the court issues an order for a shorter amount of time.

## Can I Get an Extension?

Yes. The judge can make your restraining order last longer than three years (Family Code, § 6345).

**What Should I Do With Copies of the Orders?**

Always keep a certified copy of your restraining order with you. Make sure that all the people to be protected also get a certified copy of your orders.

A certified copy is a copy that has the court's original seal and signature or stamp. You have the right to five free certified copies (Family Code, § 6387).

**What If I Move?**

Your restraining orders can be enforced in any state, territory, or Indian reservation. If you move out of California, contact the police, sheriff, or other law enforcement in the state, territory, or reservation where you move so that they know to enforce your orders. They will probably tell you to bring them a certified copy of your orders.

You can also contact a domestic violence hotline to get information on where to get additional help in your new community. The National Domestic Violence Hotline (1-800-799-7233/SAFE) can give you referrals to a local hotline.

**Do I Have to Go to the Hearing?**

Yes. If you do not attend your hearing, your temporary restraining orders and other temporary orders will expire.

**Will I Have to See the Person I Am Restraining at the Hearing?**

If the person you are restraining comes to the hearing, that person will have the right to be in court and address the judge. However, that person does not have the right to talk to you.

**Can I Have Someone With Me at the Court Hearing to Get my Permanent (Three-Year) Restraining Order?**

Yes. If you don't have a lawyer, you can bring a support person who can be with you in court and sit next to you during the hearing. However, your support person cannot speak for you or represent you in court. Many battered women's shelters will provide this support service.

## WHAT FORMS DO I NEED TO OBTAIN A RESTRAINING ORDER?

☑ Check the boxes to make sure you have all the forms you need.

☐ 1. ***Form DV-100 (Application and Declaration for Order)***
This four-page form tells the judge the facts of your case and what orders you are asking the judge to make.

**NOTE:** If you do not have any children under the age of 18 with the person to be restrained, skip items 2(a), (b), and (c) and go to item 3. If you have children with the person to be restrained, you will also need to complete the following forms in item 2.

2. Attach to form DV-100:

☐ (a) ***Form DV-100A (Child Custody, Visitation, and Support Attachment)***
This form makes arrangements for custody of your children, visitation, and child support.

☐ (b) ***Form MC-150 (Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act) (UCCJEA)***
This form tells the court whom the children have been living with and if there are any other custody orders.

☐ (c) ***Form 1285.50 (a, b, & c) (Income and Expense Declaration)*** or ***1285.52 (Financial Statement (Simplified))***
You can get these forms from the clerk, but will need only one of them—the court clerk can help you decide which one. You use the form to tell the judge about your financial situation. You will need this form if you are asking the judge to order child support, attorney fees, or service costs.

☐ 3. ***Form DV-110 (Order to Show Cause and Temporary Restraining Order (CLETS))***
This form will become your temporary restraining order if it is signed by the judge.

**NOTE:** If you do not have any children under the age of 18 with the person to be restrained, skip items 4(a) and 4(b) and go to item 5. If you have children with the person to be restrained, you will also need to complete the following forms in item 4.

4. Attach to form DV-110 if you need custody and visitation orders before the hearing:

☐ (a) ***Form 1296.31A (Child Custody and Visitation Order Attachment)***
Attach this form if you need custody and visitation orders before the hearing.

☐ (b) ***Form 1296.31A(1) (Supervised Visitation Order)***
Only attach this form if you want supervised visitation.

☐ 5. ***Form DV-140 (Proof of Service)***
This form is used to show that the person to be restrained has been served with completed forms as required by law. It must be used with **all the forms** that you file with the court. It must be filled out and signed by the person who served the forms before you file it with the court.

☐ 6. ***Form DV-130 (Restraining Order After Hearing (CLETS))***
This is the order issued after your hearing.

**NOTE:** If you do not have any children under the age of 18 with the person to be restrained, complete item 7(d) but skip items 7(a), 7(b), and 7(c). Then go to item 8. If you have children with the person to be restrained, you will also need to complete the following forms in items 7(a)–(c).

7. Attach to form DV-130:

☐ (a) ***Form 1296.31A (Child Custody and Visitation Order Attachment)***

☐ (b) ***Form 1296.31A(1) (Supervised Visitation Order)***

☐ (c) ***Form 1296.31B (Child Support Information and Order Attachment)***
If you have a child support order, you should read and attach (i) and (ii) to your order:

☐ (i) ***Form 1285.78 (Notice of Rights and Responsibilities—Health Care Costs and Reimbursement Procedures)***

☐ (ii) ***Form 1285.79 (Information Sheet on Changing a Child Support Order)***

If you have a child support order, you should also ask a Family Law Facilitator to help you complete item 7(c)(iii). You do not have to give this form to the other parent. The information is only for the court.

☐ (iii) ***Form 1285.92 (Child Support Case Registry Form)***

☐ (d) ***Form 1296.31E (Domestic Violence Miscellaneous Orders Attachment)***

☐ 8. ***Form 1296.15 (Application and Order for Reissuance of Order to Show Cause)***
If you cannot have the person to be restrained served before the hearing on your restraining orders, complete and file this form to continue your temporary orders. Otherwise, you will have to prepare all the papers all over again.

9. **Fee Waiver**
There is no charge for *filing* all your restraining order papers. You only need to fill out the fee waiver forms below if you want the sheriff or marshal to *serve* your papers at no charge:

☐ (a) ***Form 982(a)(17)(A) (Information Sheet on Waiver of Court Fees and Costs)***

☐ (b) ***Form 982(a)(17) (Application for Waiver of Court Fees and Costs)***

☐ (c) ***Form 982(a)(18) (Order on Application for Waiver of Court Fees and Costs)***

Read the information sheet and fill out Forms 982(a)(17) and 982(a)(18). These forms are confidential forms for the court. Do *not* have them served on the person to be restrained. You may fill in your address or write “Confidential” in its place.

☐ 10. ***Form DV-120 (Responsive Declaration to Order to Show Cause)***
The person to be restrained may file this form to object to the restraining orders you have requested. A blank *Responsive Declaration to Order to Show Cause* form must be served with the other forms on the person to be restrained.

☑ 11. ***Form DV-150 (Domestic Violence Restraining Orders Instruction Booklet)***

**NOTE:** You can also print these forms from the California Courts Web site: *http://www.courtinfo.ca.gov/forms.*

# LEGAL TERMS OF CUSTODY DEFINED

1. "Sole physical custody" means that the child lives with and under the supervision of one parent, subject to the power of the court to order visitation with the other parent.

2. "Joint physical custody" means that each parent has significant periods of physical custody. It does not necessarily mean equal time with each parent, but assures that the child has frequent and continuing contact with both parents.

3. "Sole legal custody" means that one parent has the right and responsibility to make decisions about the child's health, education, and welfare.

4. "Joint legal custody" means that both parents share the right and responsibility to make decisions about the child's health, education, and welfare.

*[Text continued on page 11]*

# INSTRUCTIONS: DV-100
# Application and Declaration for Order
# (Domestic Violence Prevention)

**You need to fill out this application to get your restraining order.**

**Please fill it out in detail.**

**A. Attorney or party without attorney:**

- If you are representing yourself, your name goes here.

**B. Address where you want mail sent:**

- If you do not give an address, the court will not be able to reach you. You may use any address where you can receive mail, including your home, work, or a friend or family member's address.
- If you do not want the person to be restrained to know where you are, you can use a friend's address and telephone number. Be sure to get your friend's permission first, and be sure that the court can contact you by using the information you provide.
- You can write "confidential" instead of writing your address. If you do this, make sure to give the court your address separately (for example, in an envelope marked "confidential"), or the court will not be able to contact you.

**C. Telephone number:**

- Your telephone number goes here. You may also give a number where the court can leave a message for you. If you do not want the person to be restrained to know your telephone number, leave this line blank. You can give your telephone number to the court separately in an envelope marked "confidential."

**D. Fax number:**

- Your fax number goes here. You may leave this line blank.

**E. Attorney for:**

- If you don't have a lawyer, write "in pro per." This tells the judge that you will be filing your papers without a lawyer.

**F. Superior Court of California, County of.**

- Ask the clerk of your court for this information, including your court's address. Your court may have preprinted this section.

**G. Person seeking order:**

- Your name.
- You will have to write this information at the top of every page of this form.

**H. Person to be restrained:**

- The name of the person against whom you are seeking these orders.
- You will have to write this information at the top of every page of this form.

**I. For court use only:**

- After this form is filed, the clerk will stamp this box on the copies so everyone knows it is a copy of an official paper.

**J. Case number:**

- The clerk of your court will fill this in. Once you get a case number, write it down and use it on all the forms you file.
- You will have to write this information at the top of every page of this form.

**K. 1. Persons to be protected:**

- List the full name and age of every person, <u>including yourself</u> if applicable, whom you seek to protect with this order, and their relationship to you (for example, "myself," "son," "daughter," "parents," "household members").

**L. 2. Person to be restrained:**

- Make sure to provide the person's full name (first, middle, and last), approximate age or date of birth, and all other information requested. EVEN IF YOU DON'T KNOW THE PERSON'S BIRTHDAY, PLEASE GIVE AN APPROXIMATE AGE. The information will allow law enforcement throughout the state to identify this person and protect you even if they don't have a copy of your restraining order, by looking up the information in a statewide domestic violence registry.
- If the person uses different names, make sure to list all of them. Write "aka" ("also known as") and list the other names.
- It is important that you provide as much information as possible about the person against whom you are seeking these orders.

**M. 3. Other court actions:**

- If you applied for and obtained restraining orders against the same person in the past, list the case numbers and the county or state where you obtained the orders.
- Also attach copies of these orders if you can. If you got these orders outside of California, attach Form 1296.45, *Registration of Foreign Domestic Violence Restraining Order and Order*.

**N. 4. Relationship to the person to be restrained:**

- Check <u>every</u> box that describes your relationship to the person to be restrained and provide additional information where required.
- If none of the boxes describes your situation, you probably do not qualify for Domestic Violence orders. You may, however, qualify for civil harassment orders. Ask your court's clerk for the civil harassment forms. Civil harassment orders may not be free.

A D B C E F G H I J K L M N

DV–100

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, state bar number, and address)*:
ADDRESS WHERE YOU WANT MAIL SENT:
Pat Garcia
123 Long Street
My Town, CA 90000

TELEPHONE NO. *(Optional)*: (123) 555-1234 FAX NO. *(Optional)*:
E–MAIL ADDRESS *(Optional)*:
ATTORNEY FOR *(Name)*: in pro per

FOR COURT USE ONLY

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF** CENTRAL
STREET ADDRESS: Central County Courthouse
MAILING ADDRESS: 1 Court Street
CITY AND ZIP CODE: My Town, CA 90000
BRANCH NAME:

PERSON SEEKING ORDER: PAT GARCIA

PERSON TO BE RESTRAINED: CHRIS JONES

**APPLICATION AND DECLARATION FOR ORDER**
**(Domestic Violence Prevention)**

CASE NUMBER:

*Read the Instructions for Obtaining Orders Prohibiting Domestic Violence before completing this form. This form must be completed and filed with an* Order to Show Cause and Temporary Restraining Order (CLETS) *(form DV-110).*

1. PERSONS TO BE PROTECTED

| Name | Age | Relationship to person seeking order |
|---|---|---|
| Pat Garcia | 31 years | Myself |
| Ana Garcia | 10 years | Daughter |
| Richard Jones | 5 years | Son |

2. PERSON TO BE RESTRAINED *(Name)*: CHRIS JONES
Sex: [X] M [ ] F Ht.: 5' 10" Wt.: 180 Hair Color: Br Eye Color: Blu Race: Wh Age: 39 Date of Birth: 1/5/60

3. [X] I have been involved in other court actions with the person to be restrained in which restraining orders were issued. *(If known, please specify case numbers and county or other state, United States territory, military tribunal, tribal court, or the District of Columbia and attach copies of orders)*: Small County, California, Case No. 654321

4. I am applying for a restraining order, and the person to be restrained and I *(check at least one box)*:
   a. [X] were married on *(date)*: 3/2/92 and a dissolution, legal separation, or annulment proceeding
      (1) [X] has not been filed.
      (2) [ ] has been filed *(If known, specify case number and county)*:
   b. [ ] were formerly married to each other. *(Specify state, county, and date of dissolution)*:
   c. [ ] are related to each other by blood, marriage, or adoption. *(Specify relationship)*:
   d. [ ] live together.
   e. [ ] formerly lived together.
   f. [ ] have had a dating or engagement relationship.
   g. [X] are parents of a minor child together.
   h. [ ] are parents of a minor child together and an action to establish paternity has been or is being filed. *(If known, specify case number and county)*:
   i. [ ] are parents of a minor child together and a governmental action to establish or modify child support has been or is being filed. *(If known, specify case number and county)*:
   j. [ ] are parents of a minor child together and have signed a Voluntary Declaration of Paternity form regarding the child.

***(THIS IS NOT AN ORDER)***
(Continued on reverse)


Form Adopted for Mandatory Use
Judicial Council of California
DV–100 [Rev. January 1, 2001]
Approved by DOJ

**APPLICATION AND DECLARATION FOR ORDER**
**(Domestic Violence Prevention)**

Family Code, § 6200 et seq.

**O. 5. Behavior of the person to be restrained:**

- Check every box that describes what the person to be restrained has done to you or other members of your household.
- If you check box (f), you must describe in detail what the person to be restrained did to you or to other members of your household. Write this description in item 20.

**P. 6. Minor children:**

- If you and the person to be restrained have no minor children together, check box 6a(1) and go to item 7.
- If you have minor children together, check box 6a(2) and list each child's name and date of birth.
- Make sure to check box 6a(3) if a juvenile dependency petition was filed for the child(ren).
- If you want the judge to order custody or visitation for your child(ren) and no juvenile dependency (abuse or neglect) proceeding is pending, you must attach:
  - Form MC-150, called a *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act.*
  - Form DV-100A, the *Child Custody, Visitation, and Support Attachment.*
- If these forms aren't included in the packet the clerk gave you, you can get these forms from the clerk's office at your court. Attach the originals to your original application. Remember to also attach copies of these forms to all copies of your application.

**Q. 7., 8., 9., 12., and 13. To be ordered now and effective until the hearing:**

- If you want the orders to go into effect right away, check the box marked "To be ordered now and effective until the hearing." The orders will be effective as soon as the judge signs the TRO (Temporary Restraining Order).

**R. 7. Personal Conduct Restraining Order:**

- Check this box if you want a restraining order to stop the person to be restrained from doing any of the things listed.
- You can cross things out. For example, if you want the person to be restrained to be able to call, you can cross out the word "telephone."
- If you want the restraining order to protect every person listed in item 1, check the box requesting it.

**S. 8. Residence Exclusion Order:**

- Check this box if you are living together and want the person to be restrained to move out of your shared home.
- If you check this box, you must explain why you have the right to live in the house. If your name is on the lease, attach a copy of the lease. If you have paid rent, attach a copy of your receipts or cancelled checks.
- If the person to be restrained has somewhere else to live, but you don't or can't afford to move, explain.

**T. 9. Stay-Away Order:**

- Check every box that describes the person or place from which you wish the person to be restrained to stay away.
- Indicate how far away from these people or places the person to be restrained must stay. The distance must be reasonable.

**U. 10. Effect of orders on the person to be restrained:**

- If you check "no," explain why you believe any one of the stay-away orders in item 9 will keep the person to be restrained from getting home, to school, to work, or to a place of worship.
- Explain if there is a way to avoid contact with the person to be restrained.

G H J

| | |
|---|---|
| PERSON SEEKING ORDER *(name)*: PAT GARCIA<br>PERSON TO BE RESTRAINED *(name)*: CHRIS JONES | CASE NUMBER: |

O

5. The person to be restrained has *(check at least one box)*:
   a. [X] assaulted or attempted to assault me or another member of my household.
   b. [X] caused, threatened, or attempted bodily injury to me or another member of my household.
   c. [X] made me or another member of my household afraid of physical or emotional harm.
   d. [ ] sexually assaulted or attempted to sexually assault me or another member of my household.
   e. [ ] stalked me.
   f. [ ] other *(describe in item 20)*.

P

6. a. The person to be restrained and I *(you must check (1) or (2) below)*:
   (1) [ ] have no minor children together.
   (2) [X] have minor children together.

| Child's name | Birth date |
|---|---|
| Richard Jones | December 26, 1994 |

   (3) [ ] A juvenile dependency petition has been filed. *(If known, specify case numbers)*:
   b. **If you are seeking an order regarding custody or visitation of your children, you must attach a *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form MC–150) and a *Child Custody, Visitation, and Support Attachment to Application and Declaration for Order (Domestic Violence Prevention)* (form DV–100A).**

**I REQUEST THE COURT TO MAKE THE ORDERS INDICATED BY THE CHECK MARKS IN THE BOXES BELOW.**

R

7. [X] **PERSONAL CONDUCT ORDER** [X] **To be ordered now and effective until the hearing.**
   Restrained person must not contact, molest, harass, attack, strike, threaten, sexually assault, batter, telephone, send any messages to, follow, stalk, destroy my personal property, disturb my peace, keep me under surveillance, or block my movements in public places or thoroughfares
   [ ] and that of the other protected persons listed in item 1.

S

8. [X] **RESIDENCE EXCLUSION ORDER** [X] **To be ordered now and effective until the hearing.**
   Restrained person must immediately move from and must not return to *(address)*:
   123 Long Street, My Town, CA 90000
   and may take only personal clothing and effects needed until the hearing.
   I am entitled to live at the address above because *(specify facts)*:
   Chris Jones and I moved in here in January of 1995, and I paid my share of the rent check every month since we have lived together. I don't have receipts since I had to leave all my papers in the house.

Q

T

9. [X] **STAY-AWAY ORDER** [X] **To be ordered now and effective until the hearing.**
   Restrained person must stay at least ***(specify)***: 100 **yards** away from the following persons and places:
   *(The addresses are optional and you do not have to provide them.)*
   a. [X] Myself
   b. [X] The other protected persons listed in item 1
   c. [X] My residence *(address optional)*:
   d. [X] My place of work *(address optional)*:
   e. [X] The children's school or place of child care *(address optional)*: 123 School Street, My Town
   f. [X] My vehicle *(year, make, model, color, and license plate number are optional)*: 1992 navy blue Ford Escort
   g. [X] Other *(specify)*: my church, My Town Church
   124 Church St., My Town
   (Chris is not a member of this church.)

U

10. If the restrained person is ordered to stay away from all the places requested in item 9, will the restrained person still be able to get to his or her residence, school, place of employment, or place of worship? [ ] Yes [X] No *(If no, explain)*:
   If he has to stay away from our residence, he will have to find another place to live. He can stay with his family and friends in the area. It is hard for our children to be out of our house.

***(THIS IS NOT AN ORDER)***

(Continued on page three)

**V. 11. Firearm relinquishment:**

- In item 20, describe how the person to be restrained has used or threatened to use any firearm.

**W. 11. To be ordered now and effective until the hearing:**

- The judge may ask the person to be restrained to leave the firearm with local law enforcement, or to sell it, or to give it to a third party for safekeeping.

**X. 12. Recording of prohibited communications:**

- Check this box if you want to record prohibited communications made to you by the restrained person. Prohibited communications are contacts (i.e., telephone calls) that violate the restraining order.

**Y. 12. To be ordered now and effective until the hearing:**

- Check this box if you want the order to be effective right away (as soon as the judge signs the order).

**Z. 13. Property control:**

- **a.** List the property that you want to use and control until the hearing. For example, if you need your car to get to work or for other important reasons, be sure to describe the car to the judge: model, make, year, and color.
- **b.** If you want the person to be restrained to pay certain debts, list the total debt, amount due each pay period, and to whom. Include rent, utility bills, and credit cards.
- **c.** Explain why you need to use the property or have the person to be restrained pay the bills.
- **d.** Check this box if you are married to the person to be restrained and want the judge to prevent the person from controlling or selling any property that you might divide, including your home.

**AA. 14. Attorney fees and costs:**

- If you have a lawyer representing you at any point and you ask for attorney fees and costs, do not forget to attach a completed *Income and Expense Declaration*. You can get the forms from the clerk of your court.
- Bring receipts or bills for these fees to your hearing.

**BB. 15. Restitution:**

- Check this box if you want the person to be restrained to compensate you for lost earnings or other actual expenses.
- List the losses you are claiming. These might include medical bills, moving expenses, temporary housing, shelter services, broken property, costs of changing locks, or lost wages.
- Be sure you have records to support these claims and bring the records to your hearing.
- Your losses must be the result of violence against you or members of your household by the person to be restrained.

**CC. 16. Batterer's treatment:**

- Depending on the situation, the judge may order the person to be restrained to go through a certified batterer's treatment program.
- Check this box if you want the court to order the person to participate in a certified program.

**DD. 17. Law enforcement:**

- This is where you list the name(s) of the law enforcement agencies (including security) that will protect you where you live, work, your children go to school, and other places you go.
- The clerk may mail or fax copies of the orders to the appropriate agencies, and you may need to deliver a copy to them personally or by fax. ASK YOUR LOCAL COURT WHAT PROCEDURE YOU SHOULD USE.

G H J V

| PERSON SEEKING ORDER (name): PAT GARCIA | CASE NUMBER: |
|---|---|
| PERSON TO BE RESTRAINED (name): CHRIS JONES | |

11. **FIREARM RELINQUISHMENT (to be ordered now and effective until the hearing)**
I request that the restrained person sell or give up any firearms that he or she has or controls for a period not to exceed the duration of the restraining order. *(Please describe any use of or threat regarding use of firearms in item 20.)* W

X

12. [X] **RECORDING OF PROHIBITED COMMUNICATIONS** [X] **To be ordered now and effective until the hearing.**
I request the right to record any prohibited communications made to me by the restrained person. Y

Z

13. [X] **PROPERTY CONTROL** [X] **To be ordered now and effective until the hearing.**
a. I request that I be given the exclusive temporary use, possession, and control of the following property we own or are buying *(specify):* 1992 navy blue Ford Escort

b. I request that the restrained person be ordered to make the following payments on debts due while the order is in effect:

| Debt/Bill | Amount of payment | Pay to |
|---|---|---|
| $1250 | $200 per mo. | Used Car Credit Services |
| $746 | $25 per mo. | Sears |
| $75 | $50 per mo. | PG&E |

c. This order is necessary because *(specify):*
I need the car to go to work because there is no public transportation in my neighborhood. I also need to pick up the kids from school. I don't have money for these bills right now.

d. [X] I am married to the restrained person and request that he or she be restrained from transferring, borrowing against, selling, hiding, or in any way disposing of any real or personal property, whether community, quasi-community, or separate, except in the usual course of business or for necessities of life. I further request that the restrained person notify me of any proposed extraordinary expenditures and to account to the court for all extraordinary expenditures.

AA

14. [ ] **ATTORNEY FEES AND COSTS**
I request that my attorney fees and costs be paid by the restrained person as follows (to be awarded attorney fees and costs, you must attach a completed *Income and Expense Declaration* [forms 1285.50, 1285.50a, 1285.50b, and 1285.50c]):

BB

15. [X] **RESTITUTION**
I request that the restrained person be ordered to pay the following lost earnings and other actual expenses or costs of services caused directly by the conduct alleged in this application, including but not limited to expenses for medical care and temporary housing:

| Type of loss | Pay to | Amount of claim | Due date |
|---|---|---|---|
| medical bill | General Hospital | $200 | January 1, 2000 |
| front door lock | Smith's Lock Services | $60 | July 15, 1999 |

CC

16. [X] **BATTERER'S TREATMENT**
I request that the restrained person participate in a certified batterer's program.

DD

17. [X] **LAW ENFORCEMENT**
I request that copies of orders be given to the following law enforcement agencies:

| Law enforcement agency | Address |
|---|---|
| My Neighborhood Police | 500 Neighborhood Ave., My Town, CA |
| Monte Police Dept. | 90000 9000 Bay Blvd., Monte, CA 90009 |

*(THIS IS NOT AN ORDER)*
(Continued on reverse)

**EE. 18. Fee waiver:**

- Check this box if you cannot afford the fees to have the restraining order "served on" (delivered to) the person to be restrained. If you receive public assistance or have a low income, you may be excused from paying these fees to the sheriff or marshal.
- Ask the clerk for an *Information Sheet on Waiver of Court Fees and Costs* and an (1) *Application for Waiver of Court Fees and Costs* and (2) *Order on Application for Waiver of Court Fees and Costs.* Bring these two forms to the judge when you request your Domestic Violence Prevention Temporary Restraining Order. If the judge signs an order excusing you from paying fees, take one certified copy of the order to the sheriff or marshal. They will serve the person to be restrained without charge.
- If the person to be restrained is in custody, then there should be no fee charged for service (Government Code, § 26721).

**FF. 19. Shortening time:**

- You can ask the judge to give you extra time to serve the person to be restrained. (You will want this if the person to be restrained will be hard to serve.)
- Write an explanation telling the judge why you need the order.

**GG. 20. Description of conduct:**

- This is the <u>most important</u> part of your application. This is where you tell the judge what happened. This information is all that the judge will know about your case until your hearing.
- Describe what the person to be restrained has done to you or anyone else you want to protect with the order. First describe what happened recently, when you decided to apply for a restraining order. Then describe the history of abuse in your relationship over time.
- If you have any questions about whether something that happened was abuse, read the definition on pages 1 and 2 of this booklet.
- Be very specific. USE DATES. Write down what the person to be restrained said and did, and whether the person had a weapon. Describe injuries to yourself or other members of the household.
- If you were issued an Emergency Protective Order (EPO), please attach a copy.
- You must explain to the judge the need for all requested orders. This is your chance to do it.

**HH. 20. Continued on attachment 20:**

- If you don't have enough room to write all your facts in this space, check this box and continue writing on a declaration form or a piece of paper and attach it to this form. You can get a declaration form from the clerk.

**II. 21. Other orders:**

- This space is where you ask for other orders you need. Please be specific and list each order separately. In item 19, above (or in an attached declaration), list the reasons why you need each order.

**JJ. Date:**

- The date you sign. THIS IS VERY IMPORTANT.

**KK. Type or print name:**

- Type or print your name here.

**LL. Signature:**

- Sign here. THIS IS VERY IMPORTANT. YOUR FORMS WILL NOT BE PROCESSED IF YOU DO NOT SIGN THEM.

G H J

| PERSON SEEKING ORDER *(name)*: PAT GARCIA<br>PERSON TO BE RESTRAINED *(name)*: CHRIS JONES | CASE NUMBER: |
|---|---|

EE

18. [X] I request a court order waiving the fees payable to a law enforcement agency for serving restraining orders on the restrained person. *(If you wish to ask the court to waive the fees payable to law enforcement, you must complete and file with this application an* Application for Waiver of Court Fees and Costs [*form 982(a)(17)*].)

FF

19. [X] **I request that time for service of the *Order to Show Cause* and accompanying papers be shortened so that they may be served no less than** *(specify number)*: 3 **days before the date set for the hearing.** I need this process shortened because of the facts contained in this application. *(Add additional facts if necessary)*:

I need extra time to serve Chris Jones because Chris works strange hours and sometimes skips work. I think Chris will probably avoid trying to be served.

GG

20. [X] **DESCRIPTION OF CONDUCT**

**Describe in detail the most recent incidents of abuse.** List each incident separately by date. Describe the incident, including who did what to whom, whether any firearms or other weapons were used or threatened, and any injuries. Describe any history of abuse.

HH

[X] Continued on Attachment 20.

On June 28, 1999, Chris Jones came home drunk around 5 a.m. after work and woke me up by kicking in the bedroom door. Then Chris pulled me out of bed and accused me of sleeping with someone else. I said, "I don't know what you are talking about." Chris call me a "lying snake" and said, "I'll show you who's the boss around here." I was crying and our son Richard woke up and started crying in the next room. Chris got up and kicked me in the ribs, over and over, saying, "now look what you did--you woke up the kids." Then Chris yelled to Richard to "shut up, or I'll make you shut up." Richard stopped crying. I stayed on the floor and tried to keep quiet. Finally Chris went to sleep. I got up and went to the hospital. I had three broken ribs.

The most recent time Chris hit me before that was in the middle of February of this year. Richard was crying, and I was trying to keep him quiet, and Chris said I didn't know what I was doing, and that I'd better make the kid shut up. I couldn't get Richard to calm down, so Chris punched me in the face in front to Richard. I couldn't eat for a week after that.

Chris started threatening me and cursing me after we got married. The first time Chris hit me was when he got really drunk right after Richard was first born in November 1994. I went and got a restraining order against him then, but we got back together because it was too hard with the children, and I didn't know about getting child support

II

21. [X] **OTHER ORDERS** *(specify other orders you request to help carry out the orders previously requested)*:

Chris Jones must not take any documents from the house. I need the kids' birth certificates, the lease, and other important documents.

**PLEASE NOTE THAT ALL ORDERS ISSUED BY THE COURT, AS WELL AS THIS *APPLICATION AND DECLARATION*, MUST BE PERSONALLY SERVED ON THE RESTRAINED PERSON. NO PERSON TO BE PROTECTED, INCLUDING YOURSELF, MAY PERSONALLY SERVE THE ORDER.**

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

JJ

Date: July 1, 1999

KK

Pat Garcia
(TYPE OR PRINT NAME)

Pat Garcia
(SIGNATURE OF PARTY SEEKING RESTRAINING ORDER)

LL

***(THIS IS NOT AN ORDER)***

*[Text continued on page 21]*

# INSTRUCTIONS: DV-100A
# Child Custody, Visitation, and Support Attachment to Application and Declaration for Order (Domestic Violence Prevention)

**You only need to fill out this form if you have children under the age of 18 with the person to be restrained and you want the court to make custody and visitation orders.**

**A. Person seeking order:**

- Your name, exactly the way it appears on the *Application and Declaration for Order* form.

**B. Person to be restrained:**

- The name of the person against whom you are seeking these orders, exactly the way you wrote it on the *Application and Declaration for Order* form.

**C. Case number:**

- The clerk of your court will fill this in. Once you get a case number, write it down and use it on all the forms you file.

**D. 1. To be ordered now and effective until the hearing:**

- If you want the custody and visitation orders to go into effect right away, check the box marked "To be ordered now and effective until the hearing." The orders will be effective as soon as the judge signs the TRO (Temporary Restraining Order).
- If there is a dispute over custody or visitation, mediation is required. Ask your local court what the process is. If you are worried about being in the same room as the person to be restrained, ask for separate sessions. You may bring a support person. The mediation may be the same day as your hearing, but not necessarily.

**E. 1a. Child custody:**

- Check this box if you are asking for a custody order.
- List your children's names and dates of birth, and the name of the person who you think should have custody of the minor children.

**F. 1b. Visitation:**

- Check this box if you are asking for a visitation order.
- Check box (1), "No visitation," if you do not want the person to be restrained to have visitation. This might be because the person to be restrained has been violent or has sexually abused the child, or if you think the person to be restrained threatens to steal the child or is dangerous to the child.
- Check box (2) only if you want to set up a visitation schedule. The visitation schedule will allow the person to be restrained to see the child. The schedule must be specific. Specific visitation schedules will help you limit your contact with the person to be restrained.
- If you check box (2), fill in the date when visitation will start, and the pickup and dropoff times for weekend and weekday visitations. If you want to arrange other dates (for example, vacations, birthdays, etc.), check box (iv) and list the days and times. This is also where you can list other limits on visitation.
- If you can't fit everything on this form, you can attach a schedule or other limitations.
- Check box (3) if you want supervised visitation. Write the supervisor's name and phone number and who will pay for supervision if there is a fee.
- Check the boxes under (4) to arrange who will pick up and drop off the child and where the child will be picked up and dropped off.
- Check the boxes under (5) to limit how far the person to be restrained can take the child. Use these boxes if you are worried the person to be restrained might kidnap the child.
- Depending on your situation, the judge will decide if the schedule that you request is best for the child.

**G. 2. Child support:**

- Check this box if you are asking for a child support order.
- Check all the boxes that apply.
- Complete and submit a *Financial Statement (Simplified)* or an *Income and Expense Declaration* with your application. You can use the *Financial Statement (Simplified)* if you have only regular wage income or if you receive public assistance such as TANF or CalWORKS. If you are self-employed, have investments, or are requesting attorney fees, you need to use the *Income and Expense Declaration.*
- You can get one of these forms at your court. It will show the judge why you need financial support and suggest how much the person to be restrained should be ordered to pay. On the financial statement, show your income where it says "Petitioner." Be sure to include the income of the person to be restrained where it says "Respondent." Remember to give the court copies of this financial statement along with all copies of your application.
- If you need help completing the financial forms for child support, contact the Family Law Facilitator in your county for free help.

A B C

DV-100A

PERSON SEEKING ORDER: PAT GARCIA

PERSON TO BE RESTRAINED: CHRIS JONES

CASE NUMBER:

**CHILD CUSTODY, VISITATION, AND SUPPORT ATTACHMENT TO APPLICATION AND DECLARATION FOR ORDER (Domestic Violence Prevention)**

D

1. [X] **CHILD CUSTODY AND VISITATION** [X] **To be ordered now and effective until the hearing.**

E

a. [X] **Custody**

I request custody orders as follows:

| Child's name | Birth date | Custody to *(name)* |
|---|---|---|
| Richard Jones | November 26, 1994 | Pat Garcia |

F

b. [X] **Visitation**

I request that the restrained person have the following temporary visitation rights:

(1) [X] No visitation [X] until the hearing [ ] after the hearing

(2) [X] The following specific visitation schedule: [ ] until the hearing [X] after the hearing

(i) [ ] **WEEKENDS** *(specify starting date)*: _____

The restrained person shall have the children with him/her from:

[ ] First weekend of the month *(specify day(s) and time)*: from _____ at _____ [ ] a.m. [ ] p.m.
to _____ at _____ [ ] a.m. [ ] p.m.

[ ] Second weekend of the month *(specify day(s) and time)*: from _____ at _____ [ ] a.m. [ ] p.m.
to _____ at _____ [ ] a.m. [ ] p.m.

[ ] Third weekend of the month *(specify day(s) and time)*: from _____ at _____ [ ] a.m. [ ] p.m.
to _____ at _____ [ ] a.m. [ ] p.m.

[ ] Fourth weekend of the month *(specify day(s) and time)*: from _____ at _____ [ ] a.m. [ ] p.m.
to _____ at _____ [ ] a.m. [ ] p.m.

[ ] Fifth weekend of the month, if any *(specify day(s) and time)*: from _____ at _____ [ ] a.m. [ ] p.m.
to _____ at _____ [ ] a.m. [ ] p.m.

(ii) [X] **ALTERNATE WEEKENDS** *(specify starting date)*: July 21, 1999

The restrained person shall have the children with him/her from *(specify day(s) and time)*: from Saturday at 9:00 [X] a.m. [ ] p.m. to Sunday at 6:00 [ ] a.m. [X] p.m.

(iii) [X] **MID-WEEK**

The restrained person shall have the children with him/her on *(specify day(s) and time)*: from Wednesday at 4:00 [ ] a.m. [X] p.m. to Wednesday at 7:30 [ ] a.m. [X] p.m.

(iv) [X] **OTHER** *(specify days and time as well as any additional restrictions)*: [ ] See Attachment 1.b.(2)(iv)

Chris Jones may not use alcohol or non-prescription drugs 24 hours prior to or during visitation.

(3) [X] **SUPERVISED VISITATION** [ ] until the hearing [X] after the hearing

I request that the restrained person have supervised visitation with the minor children according to the schedule marked above and that the visits be supervised by *(name)*: Melinda Jones, who is a [ ] professional [X] non-professional supervisor. The supervisor's phone number is *(specify)*: (123) 444-4321

I request that the costs for supervision be paid as follows: Mother: _____ %, Father: _____ % n/a

(4) **TRANSPORTATION FOR VISITATION AND PLACE OF EXCHANGE**

(i) [X] Transportation to the visits shall be provided by [X] Mother [ ] Father [ ] Other

(ii) [X] Transportation from the visits shall be provided by [ ] Mother [X] Father [ ] Other

(iii) [X] The exchange of the children shall occur at *(specify address)*: 234 Maple Street, My Town Chris' mother's house)

(iv) [ ] Other *(specify)*:

(5) **THE RESTRAINED PERSON SHALL NOT REMOVE THE MINOR CHILD OR CHILDREN OF THE PARTIES**

(i) [X] from the State of California.

(ii) [X] from the following counties *(specify)*: Central County and Small County

(iii) [ ] other *(specify)*:

G

2. [X] **CHILD SUPPORT**

a. [ ] I am receiving or have applied for public assistance.

b. [X] I am requesting child support under the child support guidelines for the minor children.

I am attaching or will provide a completed *Financial Statement (Simplified)* (form 1285.52) or an *Income and Expense Declaration* (forms 1285.50, 1285.50a, 1285.50b, and 1285.50c).

***(THIS IS NOT AN ORDER)***

*[Text continued on page 25]*

# INSTRUCTIONS: MC-150
# Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)

**You only need to fill out this form if you have children under the age of 18 with the person to be restrained and you want the court to make custody and visitation orders.**

**A. Attorney or party without attorney:**

- If you are representing yourself, your name goes here.

**B. Mailing address:**

- Any address where the court can reach you. You do not have to use your personal address, but you must give an address, or the court will not be able to reach you.
- You can write "confidential" instead of writing your address. If you do this, make sure to give the court your address separately so that you can be reached.

**C. Telephone number:**

- Your telephone number goes here. You may also give a number where the court can leave a message for you.
- You may leave this blank.

**D. Attorney for:**

- If you don't have a lawyer, write "in pro per." This tells the judge that you will be filing your papers without a lawyer.

**E. Superior Court of California, County of:**

- Ask the clerk of your court for this information, including your court's address. Your court may have preprinted this information.

**F. Case name:**

- Write your name and the name of the person to be restrained. This is your case name.

**G. Case number:**

- The clerk of your court will fill this in. Once you get a case number, write it down and use it on all the forms you file.
- You will also have to write this information at the top of every page of this form.

**H. For court use only:**

- After this form is filed, the clerk will stamp this box on the copies so everyone knows it is a copy of an official paper.

**I. 1. I am a party:**

- This means you have or want custody or visitation of the children under age 18 that you and the person to be restrained have together.

**J. 2. Declarant's address confidential:**

- You are the declarant. Check this box if you kept your address confidential on the *Application and Declaration for Order*.

A B C D E F G H I J

MC–150

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Mailing Address): TELEPHONE NO.: (123) 555-1234

Pat Garcia
123 Long Street
My Town, CA 90000

ATTORNEY FOR (Name): in pro per

FOR COURT USE ONLY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF CENTRAL

STREET ADDRESS: Central County Courthouse
MAILING ADDRESS: 1 Court Street
CITY AND ZIP CODE: My Town, CA 90000
BRANCH NAME:

CASE NAME:
PAT GARCIA v. CHRIS JONES

CASE NUMBER:

**DECLARATION UNDER UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT (UCCJEA)**

1. I **am a party** to this proceeding to determine custody of a child.
2. ☐ Declarant's present address is not disclosed. It is confidential under Family Code section 3409. The address of children presently residing with declarant is identified on this declaration as confidential.
3. *(Number):* One minor children are subject to this proceeding as follows:
***(Insert the information requested below. The residence information must be given for the last FIVE years.)***

| a. Child's name | Place of birth | Date of birth | Sex |
|---|---|---|---|
| Richard Jones | My Town, CA | 11/26/94 | M |

| Period of residence | Address | Person child lived with *(name and present address)* | Relationship |
|---|---|---|---|
| 1/95 to present | 123 Long Street<br>My Town, CA<br>☐ Confidential | Pat Garcia & Chris Jones<br>123 Long St., My Town | parents |
| 11/94 to 1/95 | 50 Oak Street<br>Small City, CA | same as above | same as above |
| to | | | |
| to | | | |
| to | | | |

| b. Child's name | Place of birth | Date of birth | Sex |
|---|---|---|---|
| ☐ Residence information is the same as given above for child a. *(If NOT the same, provide the information below.)* | | | |

| Period of residence | Address | Person child lived with *(name and present address)* | Relationship |
|---|---|---|---|
| to present | ☐ Confidential | | |
| to | | | |
| to | | | |
| to | | | |

c. ☐ Additional children are listed on Attachment 3c. *(Provide requested information for additional children on an attachment.)*

(Continued on reverse)

**K. 3. Number of children:**

- Write how many minor children you have whose custody needs to be decided here.

**L. 3a. First child:**

- Write the name of the oldest child whose custody needs to be decided here.

**M. 3a. Place of birth:**

- Write the child's place of birth.

**N. 3a. Date of birth:**

- Write the child's date of birth.

**O. 3a. Sex:**

Write F (for Female) if the child is a girl and M (for Male) if the child is a boy.

**P. 3a. Current residence:**

- This first row asks where the child is living right now.
- Write when the child moved to this address.
- Write the address here, or check the box marked "Confidential" if the child is living with you and you have kept your address confidential on other forms.
- Write the name of the adult(s) with whom the child is living, and that person's address. If the child is living with you and you have kept your address confidential, write your name and write "Address Confidential."
- Write the relationship between the child and the adult(s) taking care of the child where the child is now living.

**Q. 3a. Previous residences:**

- In each row, write <u>each</u> address where the child has lived in the last 5 years. If you want to keep any of these addresses confidential from the person to be restrained, write "Confidential." Even if you keep the street addresses confidential, <u>you must at least write the city and state for each address</u>.
- Write the dates when the child lived at each address. You should write the dates even if you write "Confidential" for the rest of the information here.
- Write the current address and relationship to the child of the adult who lived with the child at the time. If you do not know the person's address, write "Address Unknown."

**R. 3b. Second child:**

- If you have more than one child, write the name of the next child whose custody needs to be decided here.
- Write the second child's place and date of birth and the sex, as you did for the first child.

**S. 3b. Same address:**

- If the second child has <u>always</u> lived with the first child, check this box. If you check this box, you do not have to list the addresses where the child lived.
- If the second child lived at different addresses than the first child, or with different people, or moved at different times, you must fill out the address information for the second child.

**T. 3c. More than two children:**

- If you have more than two children, check this box.
- Attach a sheet of paper to this form.
- On the sheet of paper, write the names of each of the other children whose custody needs to be decided here.
- For each child, write the place and date of birth and the sex, as you did for the first and second child.
- Give the same address information for these children as you did with the first and second child. If these children always lived at the same address as the first and second child, write "Same residence information."

M N

MC–150

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Mailing Address): TELEPHONE NO.: (123) 555-1234 FOR COURT USE ONLY

Pat Garcia
123 Long Street
My Town, CA 90000

ATTORNEY FOR (Name): in pro per

SUPERIOR COURT OF CALIFORNIA, COUNTY OF CENTRAL

STREET ADDRESS: Central County Courthouse
MAILING ADDRESS: 1 Court Street
CITY AND ZIP CODE: My Town, CA 90000
BRANCH NAME:

CASE NAME:
PAT GARCIA v. CHRIS JONES

CASE NUMBER:

**DECLARATION UNDER UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT (UCCJEA)**

1. **I am a party** to this proceeding to determine custody of a child.
2. ☐ Declarant's present address is not disclosed. It is confidential under Family Code section 3409. The address of children presently residing with declarant is identified on this declaration as confidential.
3. *(Number)*: One minor children are subject to this proceeding as follows:
***(Insert the information requested below. The residence information must be given for the last FIVE years.)***

K

| a. Child's name | Place of birth | Date of birth | Sex |
|---|---|---|---|
| Richard Jones | My Town, CA | 11/26/94 | M |

L O

| Period of residence | Address | Person child lived with (name and present address) | Relationship |
|---|---|---|---|
| 1/95 to present | 123 Long Street<br>My Town, CA<br>☐ Confidential | Pat Garcia & Chris Jones<br>123 Long St., My Town | parents |
| 11/94 to 1/95 | 50 Oak Street<br>Small City, CA | same as above | same as above |
| to | | | |
| to | | | |
| to | | | |

P Q R

| b. Child's name | Place of birth | Date of birth | Sex |
|---|---|---|---|
| ☐ Residence information is the same as given above for child a. *(If NOT the same, provide the information below.)* | | | |

S

| Period of residence | Address | Person child lived with (name and present address) | Relationship |
|---|---|---|---|
| to present | ☐ Confidential | | |
| to | | | |
| to | | | |
| to | | | |

T

c. ☐ Additional children are listed on Attachment 3c. *(Provide requested information for additional children on an attachment.)*

(Continued on reverse)

**U. Short title:**

- Write your last name and the last name of the person to be restrained. This is your short name.

**V. 4. Prior custody proceedings:**

- If you have been involved in <u>any</u> case where the custody of at least one of the children on this form was an issue, check [Yes] and answer questions 4a through 4d.
- If this is the first time that you have been involved in a case where the custody of these children was an issue, check [No] and go to Question 5.

**W. 4a. Name of each child:**

- If you checked [Yes], write the name of each child whose custody was at issue in another case.

**X. 4b. Capacity of declarant:**

- If you (the declarant) checked [Yes], check the box that explains how you were involved (capacity) in the other case.
- If you were a party to the case, or a witness, check the correct box.
- If you were involved in some other way, check [Other] and explain your role.

**Y. 4c. Court:**

- If you checked [Yes], write the name of the court where the other case took place and the state and city.

**Z. 4d. Date of court order or judgment:**

- If you checked [Yes], write the date when the custody issue was decided.

**AA. 5. Other custody proceedings:**

- If you know about <u>any</u> case where the custody of at least one of the children on this form is an issue, check [Yes] and answer questions 5a through 5d.
- If this is the only case where the custody of any of these children is currently an issue, check [No] and go to Question 6.

**BB. 5a. Name of child:**

- If you checked [Yes], write the name of each child whose custody is at issue in another case.

**CC. 5b. Type of case:**

- If you checked [Yes], check the box that describes the type of case where the custody of the child is an issue.
- If it is a divorce case, or a guardianship, or an adoption, check the correct box.
- If it is another type of case (e.g., parentage, juvenile dependency case with an exit order, DA family support), check [Other] and describe the case.

**DD. 5c. Court:**

- If you checked [Yes], write the name of the court where the other case took place, and the state and city.

**EE. 5d. Status of proceeding:**

- If you checked [Yes], explain whether the case is ongoing or whether it has been resolved.

**FF. 6. Other person with custody or visitation rights**

- If you know about <u>any</u> person who is not involved in this case but who might claim the right to have custody or visitation with any of the children, check [Yes].
- Also check [Yes] if any of the children are living with someone who is not involved in this case.
- If no one else will claim custody or visitation rights, check [No] and sign the bottom of the form.

**GG. 6a–c. Personal information:**

- If you checked [Yes], write the name and address of each person who might claim custody or visitation rights.
- Check the box that says whether the person has physical custody (if any of the children are living with that person now), or whether the person will claim the right to custody, or whether the person will claim the right to visitation. Check all the boxes that apply.
- Write the names of all the children whose custody or visitation is at issue with this person.

**HH. Date:**

- The date you sign. THIS IS VERY IMPORTANT.

**II. Type or print name:**

- Type or print your name here.

**JJ. Signature:**

- Sign here. THIS IS VERY IMPORTANT. YOUR FORMS WILL NOT BE PROCESSED IF YOU DO NOT SIGN THEM.

**KK. 7. Attached pages:**

- If you have attached any pages to this form, check this box and write the number of pages you attached.

**LL. Notice:**

Let the court know right away if any of the information on this form changes.

U

V

W

X

Y

Z

AA

BB

CC

DD

EE

FF

GG

| SHORT TITLE: GARCIA v. JONES | CASE NUMBER: |
|---|---|

4. Have you participated as a party or a witness or in some other capacity in another litigation or custody proceeding, in California or elsewhere, concerning custody of a child subject to this proceeding?
   [ ] No [X] Yes *(If yes, provide the following information:)*

   a. Name of each child: Richard Jones

   b. Capacity of declarant: [X] party [ ] witness [ ] other *(specify)*:

   c. Court *(specify name, state, location)*: Superior Court, Small County, California
   Case #654321

   d. Court order or judgment *(date)*: 12/94 restraining order, I was given temporary custody

5. Do you have information about a custody proceeding pending in a California court or any other court concerning a child subject to this proceeding, other than that stated in item 4?
   [X] No [ ] Yes *(If yes, provide the following information:)*

   a. Name of each child:

   b. Nature of proceeding: [ ] dissolution or divorce [ ] guardianship [ ] adoption [ ] other *(specify)*:

   c. Court *(specify name, state, location)*:

   d. Status of proceeding:

6. Do you know of any person who is not a party to this proceeding who has physical custody or claims to have custody of or visitation rights with any child subject to this proceeding?
   [X] No [ ] Yes *(If yes, provide the following information:)*

| a. Name and address of person | b. Name and address of person | c. Name and address of person |
|---|---|---|
| [ ] Has physical custody<br>[ ] Claims custody rights<br>[ ] Claims visitation rights | [ ] Has physical custody<br>[ ] Claims custody rights<br>[ ] Claims visitation rights | [ ] Has physical custody<br>[ ] Claims custody rights<br>[ ] Claims visitation rights |
| Name of each child | Name of each child | Name of each child |

HH

II

JJ

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

Date: July 1, 1999

Pat Garcia
(TYPE OR PRINT NAME)

Pat Garcia
(SIGNATURE OF DECLARANT)

KK

7. [ ] Number of pages attached after this page:

LL

**NOTICE TO DECLARANT: You have a continuing duty to inform this court if you obtain any information about a custody proceeding in a California court or any other court concerning a child subject to this proceeding.**

MC-150 [Rev. January 1, 2001] **DECLARATION UNDER UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT (UCCJEA)** Page two

*[Text continued on page 33]*

# INSTRUCTIONS: DV-110
# Order to Show Cause
# and Temporary Restraining Order (CLETS)
# (Domestic Violence Prevention)

**This is your temporary restraining order (TRO).**

**A. Attorney or party without attorney:**

- If you are representing yourself, your name goes here.

**B. Address where you want mail sent:**

- Any address where the court can reach you. You do not have to use your personal address, but you must give an address, or the court will not be able to reach you.
- You can write "confidential" instead of writing your address. If you do this, make sure to give the court your address separately so that you can be reached.

**C. Telephone number:**

- Your telephone number goes here. You may also give a number where the court can leave a message for you.
- You may leave this blank.

**D. Fax number:**

- Your fax number goes here. You may leave this line blank.

**E. Attorney for:**

- If you don't have a lawyer, write "in pro per." This tells the judge that you will be filing your papers without a lawyer.

**F. Superior Court of California, County of:**

- Ask the clerk of your court for this information, including your court's address. Your court may have preprinted this information.

**G. Person seeking order:**

- Your name, exactly the way you wrote it on the *Application and Declaration for Order* form. Always use the same name as on the first form you completed.
- You will have to write this information at the top of every page of this form.

**H. Person to be restrained:**

- The name of the person against whom you are seeking these orders. Always use the same name as on the *Application and Declaration for Order* form.
- You will have to write this information at the top of every page of this form.

**I. Type of action:**

- Check the boxes that describe your situation.
- If you check "Other," don't forget to write what your lawsuit or petition is.

**J. For court use only:**

- After this form is filed, the clerk will stamp this box on the copies so everyone knows it is a copy of an official paper.

**K. Case number:**

- Always use the same case number as the one the clerk wrote on your *Application and Declaration for Order*.
- You will also have to write this information at the top of every page of this form.

**L. 1. Order addressed to:**

- Write the name of the person to be restrained.

**M. 2. Date, time, dept., room:**

- The clerk or judge will fill in the date of your hearing. In some counties, you can request a date. Your hearing will probably be 20 to 25 days after the date you filed the form.
- This section tells the person to be restrained when and where the hearing will be.
- Your temporary restraining order will be valid until this date and time.

**N. 3. Mandatory mediation:**

- If you have any children with the person to be restrained and you cannot agree on your own about where your children will live, you will have to attend an orientation and go through mediation to decide child custody and visitation. This space is where the court tells you what you will have to do.

**O. 4a. Restrained person:**

- Write the name of the restrained person.
- Give as much information as possible about the restrained person. Make sure to write the person's approximate age or date of birth. The information will allow law enforcement throughout the state to identify this person and to protect you even if they don't have a copy of your restraining order, by looking up the information in a statewide domestic violence registry.

**P. 4b. Persons protected:**

- List the name of every person to be protected, <u>including yourself</u> if applicable.

**Q. 5a. Personal Conduct Restraining Order:**

- FOR EACH ITEM ON THIS FORM, YOU MUST GIVE THE SAME INFORMATION AS ON YOUR *APPLICATION*.
- Check this box for a restraining order to stop the restrained person from doing any of the things listed.
- If you want the restraining order to protect you, check the box that says the order is for "the person seeking the order." If you also want the restraining order to protect other people you listed, check the box saying you want the restraining order to protect every person listed in item 4b.

A D F

DV–110

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, state bar number, and address)*:

ADDRESS WHERE YOU WANT MAIL SENT:

B Pat Garcia
123 Long Street
My Town, CA 90000

C TELEPHONE NO. *(Optional)*: (123) 555-1234 FAX NO. *(Optional)*:

E-MAIL ADDRESS *(Optional)*:

E ATTORNEY FOR *(Name)*: in pro per

*FOR COURT USE ONLY*

J

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF** CENTRAL

STREET ADDRESS: Central County Courthouse

MAILING ADDRESS: 1 Court Street

G CITY AND ZIP CODE: My Town, CA 90000

BRANCH NAME:

PERSON SEEKING ORDER: PAT GARCIA

H PERSON TO BE RESTRAINED: CHRIS JONES

**TYPE OF ACTION** *(check all that apply)*

I
- [ ] DISSOLUTION/LEGAL SEPARATION/NULLITY
- [ ] UNIFORM PARENTAGE ACT
- [X] DOMESTIC VIOLENCE PREVENTION ACT
- [ ] GOVERNMENTAL FAMILY SUPPORT
- [ ] JUVENILE
- [ ] OTHER *(specify)*:

**ORDER TO SHOW CAUSE AND TEMPORARY RESTRAINING ORDER (CLETS)**
**(Domestic Violence Prevention)**

CASE NUMBER: K

**THIS ORDER SHALL EXPIRE AT THE DATE AND TIME OF THE HEARING SHOWN IN THE BOX BELOW UNLESS EXTENDED BY THE COURT.**

L
1. To *(name of person to be restrained)*: CHRIS JONES
2. ***A court hearing has been set at the time and place indicated below. You may attend this hearing, with or without an attorney, to give any legal reason why the orders requested in the attached application should not be granted. If you do not appear at this court hearing, the court may grant the requested orders for up to three years without further notice to you.***

M

| Date: | Time: | Dept.: | Room: |
|---|---|---|---|

N
3. If child custody or visitation is an issue in this motion and in dispute, the parties are *ordered* to attend orientation and mandatory custody mediation services as follows:

Date:

JUDICIAL OFFICER

**TEMPORARY RESTRAINING ORDER**

O **THE COURT FINDS:**

4. a. The restrained person is *(name)*: CHRIS JONES

Sex: [X] M [ ] F Ht.: 5' 10" Wt.: 180 Hair color: Br Eye color: Blu Race: Wh Age: 39 Birth date: 1/5/60

b. The protected person(s) are *(list names of **all persons** to be protected by this order)*: Pat Garcia
Ana Garcia
Richard Jones P

**UNTIL THE TIME OF HEARING, IT IS ORDERED:**

5. **RESTRAINING ORDERS** The restrained person

Q a. [X] shall not contact, molest, harass, attack, strike, threaten, sexually assault, batter, telephone, send any messages to, follow, stalk, destroy the personal property of, disturb the peace of, keep under surveillance, or block movements in public places or thoroughfares of:

[X] the person seeking the order [X] the other protected persons listed in item 4b

(Orders continued on reverse)



Form Adopted for Mandatory Use
Judicial Council of California
DV–110 [Rev. January 1, 2001]
Approved by DOJ

**ORDER TO SHOW CAUSE AND TEMPORARY RESTRAINING ORDER (CLETS) (Domestic Violence Prevention)**

Family Code, § 6200 et seq.

**R. 5b. Residence Exclusion Order:**

- Check this box for an order telling the restrained person to move out.
- Provide the address from which you want the restrained person to move.

**S. 5c. Stay-Away Order:**

- Check every box that describes the person or place from which you wish the restrained person to stay away.
- Indicate how far away from these people or places the restrained person must stay. The distance must be reasonable.
- You do not need to give specific addresses. However, it may be easier for the police to enforce the orders if they know that the restrained person was clearly ordered to stay away from a specific location.
- For box 5c(6), describe any vehicle and include the license plate number if you can.

**T. 5d. Visitation exception:**

- Check this box if the restrained person may contact you to arrange visitation according to the schedule that the court ordered.

**U. 6. Custody and visitation:**

- If you have any minor children with the restrained person, check this box and attach Form 1296.31A, *Child Custody and Visitation Order Attachment.*

**V. 7. Firearm relinquishment:**

- Check the appropriate box to order when the restrained person must hand over a firearm to law enforcement.

**W. 8. Property control:**

- **a.** List and describe the property (for example, model, make, year, color, and license plate number of your car).
- **b.** For an order telling the restrained person to pay certain debts, list the total debt, amount due each pay period, and to whom the amount is owed. Include rent, utility bills, credit cards.
- **c.** Check this box for an order preventing the restrained person from controlling or selling any property that you might divide later, including your home. You may check this box only if you are **married** to the person.
- The judge may also order you not to sell, give, or borrow against any of the property you might divide later.
- **d.** Check this box for an order telling the restrained person to let you know before spending large amounts of money and to explain the expense to the court. You may check this box only if you are **married** to the person.
- The judge may also order you to do the same.

**X. 9. Recording of Prohibited Communications:**

- Check this box if you want to record prohibited communications made to you by the restrained person. Prohibited communications are any contacts (i.e., telephone calls) that violate the restraining order.

**Y. 10. Other orders:**

- Check this box for any other orders. Describe the orders you may need in the space provided. Please be specific and list each order separately.

G H K

| PERSON SEEKING ORDER *(name)*: PAT GARCIA | CASE NUMBER: |
|---|---|
| PERSON TO BE RESTRAINED *(name)*: CHRIS JONES | |

R

5. b. [X] must immediately move from *(address)*: 123 Long Street, My Town, CA 90000

and take only personal clothing and effects needed until the hearing.

S

c. [X] The restrained person shall stay at least ***(specify)***: 100 **yards** away from the following persons and places. (*Addresses not required.*)

(1) [X] Person seeking the order
(2) [X] The other protected persons listed in item 4b
(3) [X] Residence of person seeking the order
(4) [X] Place of work of person seeking the order
(5) [X] The children's school or place of child care
(6) [X] Protected person's vehicle
(7) [X] Other *(specify)*: My Town Church, 124 Church Street, My Town

T

d. [X] except for peaceful contacts related to court ordered visitation of the minor children.

U

6. [X] **CUSTODY AND VISITATION ORDERS ARE SET FORTH IN *CHILD CUSTODY AND VISITATION ORDER ATTACHMENT* (FORM 1296.31A).**

V

7. [X] **FIREARM RELINQUISHMENT**

**The restrained person must surrender to local law enforcement or sell to a licensed gun dealer any firearm in or subject to his or her immediate possession or control within**

**a. [ ] 24 hours after issuance of this order (if restrained person is present at hearing).**
**b. [X] 48 hours after service of this order (if restrained person is not present at hearing).**
**c. [ ] other *(specify)*:**

**The restrained person shall file a receipt with the court showing compliance with this order within 72 hours of receiving this order.**

W

8. [X] **PROPERTY CONTROL**

a. [X] The protected person is given exclusive temporary use, control, and possession of the following property pending the hearing:
1992 navy blue Ford Escort

b. [X] The restrained person is ordered to make the following payments while the order is in effect:

| Debt | Amount of payment | Pay to | Due date |
|---|---|---|---|
| $1,250 | $200/month | Used Car Credit Service | 1st of each month |

X

c. [X] The protected person [X] The restrained person is restrained from transferring, borrowing against, selling, hiding, or in any way disposing of any real or personal property, whether community, quasi-community, or separate, except in the ordinary course of business or for the necessities of life.

d. [X] The protected person [X] The restrained person shall notify the other of any proposed extraordinary expenditures and shall account to the court for all extraordinary expenditures.

Y

9. [X] **RECORDING OF PROHIBITED COMMUNICATIONS**

The protected person may record any prohibited communications made to him or her by the restrained person.

10. [X] **OTHER ORDERS** *(specify)*:
That Chris Jones not take any documents from the house at 123 Long Street, My Town

(Continued on page three)

**Z. 11. Law enforcement:**

- Check box 10a, b, or c to indicate who will deliver copies of your TRO (temporary restraining order) to law enforcement. Ask your local court what procedure you should use.
- This is also where you list the name of the law enforcement agencies (including security) that will protect you where you live, work, your children go to school, and other places you or other household members often go.
- If the district attorney is involved in your child support case, check the box to deliver a copy of your order to the district attorney's office.

**AA. 12. Fee waiver:**

- Check this box if you cannot afford the fees to have the restraining order "served on" (delivered to) the restrained person.
- If you request a fee waiver, you must file an *Application for Waiver of Court Fees and Costs* and an *Order on Application for Waiver of Court Fees and Costs*.

**BB. 13. Shortening time:**

- If the judge granted your requests for orders shortening time, this tells you how long you have to serve the restrained person. (For example, if the order says "5 days," then you must be sure the restrained person is served at least 5 days before your hearing.)
- This also tells the restrained person to respond to the papers you serve before the hearing.
- Items 13a–h list the papers that must be personally served on the restrained person.

**CC. Address of the restrained person:**

- Write the address of the person to be restrained in this box. This is necessary to make sure the person gets a copy of the temporary order.
- THIS IS THE LAST ITEM YOU HAVE TO COMPLETE ON THIS FORM.

**DD. Signature of Judicial Officer and date:**

- This is for the judge.

G H K

| PERSON SEEKING ORDER *(name)*: PAT GARCIA<br>PERSON TO BE RESTRAINED *(name)*: CHRIS JONES | CASE NUMBER: |
|---|---|

Z

11. [X] **LAW ENFORCEMENT**

A copy of this order and any proof of service shall be given to the law enforcement agencies listed below as follows:

a. [X] Protected person shall deliver.
b. [ ] Protected person's attorney shall deliver.
c. [ ] The clerk of the court shall deliver.

| Law enforcement agency | Address |
|---|---|
| My Neighborhood Police | 500 Neighborhood Ave., My Town, CA 90000 |
| Monte Police Dept. | 9000 Bay Blvd., Monte, CA 90009 |

AA

[ ] Governmental Family Support office.

*(NOTE: All statewide restraining orders are entered in the state registry and must be delivered immediately to the law enforcement agencies.)*

12. [ ] Fees for service of this order by law enforcement are waived.

BB

13. [X] Application for an order shortening time is granted, and the following documents shall be personally served on the restrained person no fewer than *(specify number)*: 3 days before the time set for hearing. A responsive declaration shall be filed and served no fewer than *(specify number)*: 1 days before the time set for hearing.

a. *Application and Declaration for Order (Domestic Violence Prevention)* (form DV–100)
b. *Order to Show Cause and Temporary Restraining Order (CLETS) (Domestic Violence Prevention)* (form DV–110)
c. Blank *Responsive Declaration to Order to Show Cause (Domestic Violence Prevention)* (form DV–120)
d. [X] *Child Custody and Visitation Order* (form 1296.31A)
e. [X] *Financial Statement (Simplified)* (form 1285.52) or *Income and Expense Declaration* (forms 1285.50, 1285.50a, 1285.50b, and 1285.50c)
f. [X] *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form MC–150)
g. [X] *Child Custody, Visitation, and Support Attachment to Application and Declaration for Order (Domestic Violence Prevention)* (form DV–100A)
h. [ ] Other *(specify)*:

**NOTICE REGARDING NON–APPEARANCE AT HEARING**

**IF YOU HAVE BEEN PERSONALLY SERVED WITH A TEMPORARY RESTRAINING ORDER AND NOTICE OF HEARING, BUT YOU DO NOT APPEAR AT THE HEARING EITHER IN PERSON OR BY COUNSEL, AND A RESTRAINING ORDER IS ISSUED AT THE HEARING WHICH DOES NOT DIFFER FROM THE PRIOR TEMPORARY RESTRAINING ORDER, A COPY OF THE ORDER WILL BE SERVED UPON YOU BY MAIL AT THE FOLLOWING ADDRESS:** 234 Maple Street, My Town, CA 90000

CC

**IF THAT ADDRESS IS NOT CORRECT OR YOU WISH TO VERIFY THAT THE TEMPORARY ORDER WAS MADE PERMANENT WITHOUT SUBSTANTIVE CHANGE, CONTACT THE CLERK OF THE COURT.**

Date:

DD

JUDICIAL OFFICER

**CERTIFICATE OF COMPLIANCE WITH VAWA** This ex parte/temporary protective order meets all Full Faith and Credit requirements of the Violence Against Women Act, 18 U.S.C. 2265 (1994) (VAWA). This court has jurisdiction over the parties and the subject matter; the restrained person has been 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 this and all other jurisdictions.

**PLEASE REVIEW IMPORTANT NOTICES AND WARNINGS ON THIS PAGE AND ON PAGE FOUR.**

(Continued on reverse)

**EE. Clerk's certificate:**

- This section is for the clerk. Leave this blank. (But fill in your name, your case number, and the name of the person to be restrained at the top of this page.)

G H K

| | | |
|---|---|---|
| PERSON SEEKING ORDER *(name)*: | PAT GARCIA | CASE NUMBER: |
| PERSON TO BE RESTRAINED *(name)*: | CHRIS JONES | |

**WHAT FORMS YOU SHOULD FILE IN RESPONSE AND WHEN TO FILE THEM**
You do not have to pay any fee to file responsive declarations in response to this *Order to Show Cause* (including a completed *Income and Expense Declaration* or *Financial Statement (Simplified)* that will show your finances). The original of the *Responsive Declaration* must be filed with the court and a copy served on the other party at least two court days before the hearing date (unless the judge has shortened time; see item 13 above in this *Order to Show Cause and Temporary Restraining Order*).

**NOTICE REGARDING CHILD SUPPORT**
If you have children from this relationship, the court is required to order payment of child support based on the income of both parents. The amount of child support may be large and normally continues until the child is 18. You should supply the court with information about your finances. Otherwise the child support order will be made without your input.

**NOTICE REGARDING ENFORCEMENT OF THIS ORDER**
This order is effective when made. It is enforceable anywhere in California 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 proof of service on the restrained person has not been received, and the restrained person was not present at the court hearing, the law enforcement agency shall advise the restrained person of the terms of the order and then shall enforce it.

Violation of this restraining order may be punished as a contempt of court; a misdemeanor, punishable by one year in jail, a $1,000 fine, or both; or a felony. Taking or concealing a child in violation of this order may be a felony and punishable by confinement in state prison, a fine, or both.

This order is enforceable in all 50 states, the District of Columbia, all tribal lands, and all U.S. territories and shall be enforced as if it were an order of that jurisdiction. Violations of this order are subject to state and federal criminal penalties.

If you travel across state or tribal boundaries with the intent to violate the order (including committing a crime of violence causing bodily injury), you may be convicted of a federal offense under VAWA (section 2261(a)(1)). You may also be convicted of a federal offense if you cause the protected person to cross a state or tribal boundary for this purpose (section 2262(a)(2)).

**NOTICE REGARDING FIREARMS**
**Any person subject to a restraining order is prohibited from owning, possessing, purchasing or attempting to purchase, receiving or attempting to receive, or otherwise obtaining a firearm. Such conduct is subject to a $1,000 fine and imprisonment. At the hearing on this matter, the court will order that the person subject to these orders shall relinquish any firearms and not own or possess any firearms during the period of the restraining order. If restraining orders are issued, the restrained person may not possess a firearm. Under federal law, the issuance of a restraining order after hearing will generally prohibit the restrained person from accepting, transporting, or possessing firearms or ammunition. A violation of this prohibition is a separate federal crime.**

---

**CLERK'S CERTIFICATE**

[SEAL]

I certify that the foregoing *Order to Show Cause and Temporary Restraining Order (CLETS)* is a true and correct copy of the original on file in the court.

EE

Date: Clerk, by _____, Deputy

*[Text continued on page 43]*

# INSTRUCTIONS: 1296.31A
# Child Custody and Visitation Order Attachment
# (Family Law—Domestic Violence Prevention—Uniform Parentage)

**This is an attachment to a temporary restraining order (TRO).**

**The custody and visitation order that you get with your TRO will only last until your hearing. After the hearing, you will get a longer-term custody and visitation order. The temporary custody and visitation order can be different from the longer-term one.**

**You will use this form twice: once when you request your temporary restraining order and once when you get your *Restraining Order After Hearing*.**

**A. Petitioner/Plaintiff:**

- Your name, exactly the way you wrote it on the *Application and Declaration for Order* form.

**B. Respondent/Defendant:**

- The name of the person against whom you are seeking these orders, exactly the way you wrote it on the *Application and Declaration for Order* form.

**C. Case number:**

- Always use the same case number as the one the clerk wrote on your *Application and Declaration for Order*.

**D. Attachment to:**

- Check the box with the name of the form to which you are attaching this form.
- If you are attaching this form to Form DV-110, check the box marked "Order to Show Cause and Temporary Restraining Order." If this line is missing, you may write it in.
- If you are attaching this form to Form DV-130, check the box marked "Restraining Order After Hearing (CLETS)."

**E. 1. Custody:**

- Check this box for a custody order.
- Write the name of each child whose custody is at issue.
- Write each child's birth date.
- Write who will have legal custody of each child. See *Legal Terms of Custody Defined* on page 9 of this booklet.
- Write who will have physical custody of each child. See *Legal Terms of Custody Defined* on page 9 of this booklet.

**F. 2. Visitation:**

- Check this box for a visitation order.
- Depending on your situation, the judge will decide if the schedule that you request is best for the child.
- Check box 2a, "No visitation," for an order preventing the restrained person from having visitation with the child. This might be because the restrained person has been violent or has sexually abused the child, or threatens to steal the child or is dangerous to the child.
- Do not check box 2b.
- Check box 2c if you are attaching a separate visitation schedule. Write how many pages you are attaching and write the date when you wrote the schedule. (The date should also be on the schedule that you attach.)
- Check box 2d if you and the restrained person disagree about custody and visitation but have not yet had mediation.
- Check box 2e to set up a visitation schedule on this form. Try to set up as specific a schedule as possible.
- If you check box 2e, fill in the date when visitation will start, and the pickup and dropoff times for weekend and weekday visitations. If you want to arrange other dates (for example, vacations, birthdays, etc.), check box 2e(iv) and list the days and times. This is also where you can list other limits on visitation.
- If you can't fit everything on this form, you can attach a schedule or other limitations.

**G. 3. Supervised visitation:**

- Check this box for a supervised visitation order. You may also fill out and attach Form 1296.31A(1), *Supervised Visitation Order*.
- If the restrained person is the father or the mother of the child, check the appropriate box.
- Write the supervisor's name and phone number and who will pay for supervision.

**H. 4. Transportation:**

- Check this box for a transportation order.
- Check the boxes to arrange who will pick up and drop off the child and where the child will be picked up and dropped off.

**I. 5. Removing the child:**

- Check this box for an order to limit removal of the child.
- If the restrained person is the father or the mother of the child, check the appropriate box.
- Check the boxes for orders that limit how far the restrained person can take the child. Use these boxes if you think the restrained person might kidnap the child.

A B C D E F G H I

1296.31A

| PETITIONER / PLAINTIFF: PAT GARCIA<br>RESPONDENT / DEFENDANT: CHRIS JONES | CASE NUMBER: |
|---|---|

## CHILD CUSTODY AND VISITATION ORDER ATTACHMENT

**Attachment to** ☐ **Findings and Order After Hearing** ☐ **Judgment** ☐ **Restraining Order After Hearing (CLETS)**
☒ **Order to Show Cause and Temporary Restraining Order** ☐ **Other**

1. ☒ **CUSTODY** Custody of the minor children of the parties is awarded as follows:

| Child's name | Child's birth date | Legal custody to *(name)* | Physical custody to *(name)* |
|---|---|---|---|
| Richard Jones | November 26, 1994 | Pat Garcia | Pat Garcia |

2. ☒ **VISITATION**
   a. ☒ No visitation. until the hearing
   b. ☐ Reasonable right of visitation to the party without physical custody. (Not appropriate in cases involving domestic violence.)
   c. ☐ As set forth in the attached custody and visitation agreement, recommendation, or schedule consisting of *(number)*: pages, dated:
   d. ☐ The parties are referred to court-affiliated mandatory mediation forthwith. The address and telephone number are *(specify)*:
   e. ☐ Pending further order of the court, specific visitation as follows:
      (i) ☐ **WEEKENDS** *(specify starting date)*: _____
      ☐ Father ☐ Mother shall have the children with him/her from:
      ☐ First weekend of the month *(specify day(s) and time)*: from _____ at _____ ☐ a.m. ☐ p.m. to _____ at _____ ☐ a.m. ☐ p.m.
      ☐ Second weekend of the month *(specify day(s) and time)*: from _____ at _____ ☐ a.m. ☐ p.m. to _____ at _____ ☐ a.m. ☐ p.m.
      ☐ Third weekend of the month *(specify day(s) and time)*: from _____ at _____ ☐ a.m. ☐ p.m. to _____ at _____ ☐ a.m. ☐ p.m.
      ☐ Fourth weekend of the month *(specify day(s) and time)*: from _____ at _____ ☐ a.m. ☐ p.m. to _____ at _____ ☐ a.m. ☐ p.m.
      ☐ Fifth weekend of the month *(specify day(s) and time)*: from _____ at _____ ☐ a.m. ☐ p.m. to _____ at _____ ☐ a.m. ☐ p.m.
      (ii) ☐ **ALTERNATE WEEKENDS** *(specify starting date)*: _____
      ☐ Father ☐ Mother shall have the children with him/her from *(specify day(s) and time)*: from _____ at _____ ☐ a.m. ☐ p.m. to _____ at _____ ☐ a.m. ☐ p.m.
      (iii) ☐ **MID-WEEK**
      ☐ Father ☐ Mother shall have the children with him/her from *(specify day(s) and time)*: from _____ at _____ ☐ a.m. ☐ p.m. to _____ at _____ ☐ a.m. ☐ p.m.
      (iv) ☐ **Other** *(specify day(s) and time(s) as well as any additional restrictions)*: ☐ See Attachment 2e(iv).

3. ☐ **SUPERVISED VISITATION** ☐ See Attachment 1296.31A(1)
   until ☐ further order of the court ☐ other
   ☐ Father ☐ Mother shall have the supervised visitation with the minor children according to the schedule set forth in item 2 above. The visits shall be supervised by *(name)*:
   The supervisor's phone number is:
   Costs for supervision shall be paid as follows: Father: _____%, Mother: _____%

4. ☐ **TRANSPORTATION FOR VISITATION AND PLACE OF EXCHANGE**
   a. ☐ Transportation to the visits shall be provided by ☐ Father ☐ Mother ☐ Other *(specify)*:
   b. ☐ Transportation from the visits shall be provided by ☐ Father ☐ Mother ☐ Other *(specify)*:
   c. ☐ The exchange of the children shall occur at *(specify location)*:
   d. ☐ Other *(specify)*:

5. ☒ **THE MINOR CHILD SHALL NOT BE REMOVED BY** ☒ Father ☐ Mother
   a. ☒ from the State of California
   b. ☒ from the following counties: Central County and Small County
   c. ☐ other *(specify)*:
   without the written consent of the other parent or order of court, except as specified in this order.



Form Adopted for Mandatory Use
Judicial Council of California
Rule 1296.31A [Rev. July 1, 1999]

**CHILD CUSTODY AND VISITATION ORDER ATTACHMENT**
**(Family Law—Domestic Violence Prevention—Uniform Parentage)**

Family Code, §§ 3020, 3022, 3040-3043, 3100, 6340, 7604

*[Text continued on page 47]*

# INSTRUCTIONS: DV-140
# Proof of Service

**You will need to use this form many times. Every time you file a "served on" form with a court, you will have to have a copy (personally delivered to) the person to be restrained. This form proves that you served the forms. YOUR CASE WILL NOT BE HEARD IF YOU CANNOT PROVE THAT THE PERSON WAS SERVED.**

**You will need to use this form (1) to serve your initial *Application and Declaration for Order* and any attachments; (2) to serve any additional forms before the hearing; and (3) to serve the *Restraining Order After Hearing* if the person to be restrained does not come to the hearing.**

**Every time you use this *Proof of Service* form, file a copy of it with the court. Bring copies of your *Proof of Service* forms to your hearing.**

**A. Attorney or party without attorney:**

- If you are representing yourself, your name goes here.

**B. Address where you want mail sent:**

- Any address where the court can reach you. You do not have to use your personal address, but you must give an address, or the court will not be able to reach you.
- You can write "confidential" instead of writing your address. If you do this, make sure to give the court your address separately so that you can be reached.

**C. Telephone number:**

- Your telephone number goes here. You may also give a number where the court can leave a message for you.
- You may leave this blank.

**D. Fax number:**

- Your fax number goes here. You may leave this line blank.

**E. Attorney for:**

- If you don't have a lawyer, write "in pro per." This tells the judge that you will be filing your papers without a lawyer.

**F. Superior Court of California, County of:**

- Ask the clerk of your court for this information, including your court's address. Your court may have preprinted this information.

**G. Petitioner/Person to be protected:**

- Your name, exactly the way you wrote it on the *Application and Declaration for Order* form.
- You will have to write this information at the top of every page of this form.

**H. Respondent/Person to be restrained:**

- The name of the person against whom you are seeking these orders. Always use the same name as on the *Application and Declaration for Order* form.
- You will have to write this information at the top of every page of this form.

**I. Hearing date, time, dept., room, or division:**

- This section tells the person to be restrained when and where the court hearing will be held.
- You must fill in the hearing date, time, and the department, room, or division number.
- Remember that your restraining order will only be valid until this date and time.

**J. Case number:**

- Always use the same case number as the one the clerk wrote on your *Application and Declaration for Order.*
- You will also have to write this information at the top of every page of this form.

**K. PERSONAL SERVICE:**

- If you are asking for any restraining order to protect you, you must have the papers served personally. Complete only this page.
- If you are responding to someone else's *Application* for a restraining order against you, complete only page 2 for Service by Mail. (See item R on page 50.)

**L. 1. Documents served:**

- Collect all the forms that you have completed and that you need to "serve" (have delivered to) the person to be restrained.
- Check off the boxes 1a–i that list the forms you are ready to serve.
- If you are serving forms that are not listed, check box 1j and list the forms.
- Boxes 1a, 1h, and 1i list more than one form. Be sure that you have all the forms listed if you check one of these boxes. Some of these are blank forms that you must include.

**M. 2. Person served:**

- The name of the person against whom you are seeking these orders, exactly the way you wrote it on the *Application and Declaration for Order* form.

**N. 3. Personal service:**

- Give this *Proof of Service* form to the person who will serve the forms on the person to be restrained (see Steps 7 and 8 on page 84 of this booklet).
- The person who serves the forms must complete this section with when and where the person to be restrained was served.

**O. 4. Competence:**

- This line says that the person who serves the forms is over 18 years old, is not one of the parties to the petition, and will not be protected by these orders.

**P. 5. Process server's personal information:**

- The person who serves the forms must complete this section and give their name, address, and telephone number.
- If the person is an official process server, this information will include their registration information.

**Q. 6. Process server's signature:**

- The person who serves your forms must complete this section to swear that he or she served the forms, by filling in the date and their name and signing the form.

DV–140

| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): | FOR COURT USE ONLY |
|---|---|
| Pat Garcia<br>123 Long Street<br>My Town, CA 90000<br>TELEPHONE NO. (Optional): (123) 555-1234 FAX NO. (Optional):<br>E-MAIL ADDRESS (Optional):<br>ATTORNEY FOR (Name): in pro per | |
| **SUPERIOR COURT OF CALIFORNIA, COUNTY OF** CENTRAL<br>STREET ADDRESS: Central County Courthouse<br>MAILING ADDRESS: 1 Court Street<br>CITY AND ZIP CODE: My Town, CA 90000<br>BRANCH NAME: | |
| PETITIONER/PERSON TO BE PROTECTED: PAT GARCIA<br>RESPONDENT/PERSON TO BE RESTRAINED: CHRIS JONES | |
| **PROOF OF SERVICE** | |
| HEARING DATE / TIME / DEPT., ROOM or DIVISION | CASE NUMBER: |

## PERSONAL SERVICE

**Instruction: After having the other party served with a copy of the document identified in item 1, attach a completed Proof of Service to the original or to a true copy of the original and give it to the clerk for filing. Neither the petitioner nor the respondent, nor any person protected by these orders, can serve these papers.**

1. I served a copy of the following documents *(check the box before the title of each document you served)*:
   a. [X] *Order to Show Cause and Temporary Restraining Order (CLETS) (Domestic Violence Prevention)* with *Application and Declaration for Order (Domestic Violence Prevention)* and blank *Responsive Declaration to Order to Show Cause (Domestic Violence Prevention)*
   b. [ ] *Income and Expense Declaration* with blank *Income and Expense Declaration (Family Law)*
   c. [X] *Financial Statement (Simplified)* with blank *Financial Statement (Simplified) (Family Law)*
   d. [X] *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)*
   e. [ ] *Application and Order for Re-issuance of Order to Show Cause (Domestic Violence Prevention)*
   f. [ ] *Restraining Order After Hearing (CLETS) (Domestic Violence Prevention)*
   g. [ ] *Findings and Order After Hearing (Family Law, Domestic Violence Prevention, Uniform Parentage)*
   h. [ ] *Petition to Establish Parental Relationship* with *Summons* with *Standard Restraining Order (Paternity)* and blank *Response to Petition to Establish Parental Relationship (Uniform Parentage)*
   i. [ ] *Order to Show Cause* with *Application for Order and Supporting Declaration*; blank *Responsive Declaration to Order to Show Cause or Notice of Motion (Family Law—Uniform Parentage)*
   j. [X] Other *(specify)*: Child Custody, Visitation and Support Attachment to Application and Declaration for Order
2. Person served *(name)*: CHRIS JONES
3. By personally delivering copies to the person served, as follows:
   (1) Date: (2) Time:
   (3) Address:
4. At the time of service I was at least 18 years of age, not a party to this action, and not a protected person in any of the orders.
5. My name, address, telephone number, and, if applicable, county of registration as process server and registration number are *(specify)*:
6. 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 OF PERSON WHO SERVED THE PAPERS)

(SIGNATURE OF PERSON WHO SERVED THE PAPERS)

(See reverse for proof of service by mail)

Form Adopted for Mandatory Use
Judicial Council of California
DV–140 [Rev. January 1, 2001]

**PROOF OF SERVICE**
**(Family Law—Domestic Violence Prevention—Uniform Parentage)**

Mandatory Form

**R. SERVICE BY MAIL:**

- If you are responding to someone else's *Application* for a restraining order against you, you may serve most papers by mail. Complete only this page.
- You may also have your *Response* personally served, if you prefer. In that case, complete only page 1 for personal service.
- YOU MAY NOT SERVE RESTRAINING ORDERS BY MAIL. If you are asking for any restraining order to protect you, complete page 1 for personal service. Do not complete this page.

**S. 1. Competence and personal information:**

- Give this *Proof of Service* form to the person who will serve your forms on the person to be restrained (see Steps 7 and 8 on page 84 of this booklet).
- This line says that the person who serves the forms is over 18 years old, is not one of the parties to the petition, and is not going to be protected by these orders.
- The person who serves the forms must complete this section and give his or her address.

**T. 2a–j. Documents served:**

- Collect all the forms that you have completed and that you need to "serve" (have mailed to) the person to be restrained.
- Check off the boxes 2a–i that list the forms you are ready to serve.
- If you are serving forms that are not listed, check box 2j and list the names of the forms.

**U. 2k–l. Person served:**

- The person who serves the forms must complete this section with the date and place from where he or she mailed the forms to the person to be restrained.

**V. 2m. Address where forms were mailed:**

- The person who serves the forms must complete this section with the address of the person to be restrained.

**W. 3. Process server's signature:**

- The person who serves the forms must complete this section to swear that he or she served the forms, by filling in the date and their name and signing the form.

G H

| PETITIONER/PERSON TO BE PROTECTED: | CASE NUMBER: |
|---|---|
| RESPONDENT/PERSON TO BE RESTRAINED: | |

J

R

## SERVICE BY MAIL

**Most of the documents listed on the reverse must be served by personal delivery. Fill out this side only for those documents that can be served by mail.**

**Instructions:** *After serving the other party by mail with a copy of the document identified in item 1, attach a completed Proof of Service to the original or to a true copy of the original and give it to the clerk for filing. An unsigned copy of the Proof of Service should be attached to and served with the document.*

S

1. I am over the age of 18 and **not a party to this cause, nor a protected person under any of the orders.** I am a resident of or employed in the county where the mailing occurred. My residence or business address is:

T

2. I served a copy of the following documents *(check the box before the title of each document you served)*:
   a. ☐ *Responsive Declaration to Order to Show Cause (Domestic Violence Prevention)*
   b. ☐ *Income and Expense Declaration (Family Law)*
   c. ☐ *Financial Statement (Simplified) (Family Law)*
   d. ☐ *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)*
   e. ☐ *Restraining Order After Hearing (CLETS) (Domestic Violence Prevention)*
   f. ☐ *Findings and Order After Hearing (Family Law, Domestic Violence Prevention, Uniform Parentage)*
   g. ☐ *Response to Petition to Establish Parental Relationship (Uniform Parentage)*
   h. ☐ *Response (Family Law)*
   i. ☐ *Responsive Declaration to Order to Show Cause or Notice of Motion (Family Law—Uniform Parentage)*
   j. ☐ Other *(specify)*:

by placing a true copy of each document in the United States mail, in a sealed envelope with postage fully prepaid, as follows:

U

k. Date of deposit:

l. Place of deposit *(city and state)*:

V

m. Addressed as follows:

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

Date:

W

. . . . . .
(TYPE OR PRINT NAME OF PERSON WHO SERVED THE PAPERS)

(SIGNATURE OF PERSON WHO SERVED THE PAPERS)

*[Text continued on page 53]*

# INSTRUCTIONS: DV-130
# Restraining Order After Hearing (CLETS)
# (Domestic Violence Prevention)

**This is your restraining order.**

**Fill out as much of this form as you can before the hearing and bring it to the hearing. You may fill out the form with the orders you hope to get. However, please understand that the judge decides what your restraining order will include. The judge may change any or all of the order.**

**If you fill out this form before the hearing, you may have to make changes after the hearing so that the restraining order says only what the judge ordered.**

**A. Attorney or party without attorney:**

- If you are representing yourself, your name goes here.

**B. Address where you want mail sent:**

- Any address where the court can reach you. You do not have to use your personal address, but you must give an address, or the court will not be able to reach you.
- You can write "confidential" instead of writing your address. If you do this, make sure to give the court your address separately so you can be reached.

**C. Telephone number:**

- Your telephone number goes here. You may also give a number where the court can leave a message for you.
- You may leave this blank.

**D. Fax number:**

- Your fax number goes here. You may leave this line blank.

**E. Attorney for:**

- If you don't have a lawyer, write in "pro per." This tells the judge that you will be filing your papers without a lawyer.

**F. Superior Court of California, County of:**

- Ask the clerk of your court for this information, including your court's address. Your court may have preprinted this information.

**G. Protected person:**

- Your name, exactly the way you wrote it on the *Application and Declaration for Order* form. Always use the same name as on the first form you completed.
- You will have to write this information at the top of every page of this form.

**H. Restrained person:**

- The name of the person against whom you obtained these orders. Always use the same name as on the *Application and Declaration for Order* form.
- You will have to write this information at the top of every page of this form.

**I. For court use only:**

- After this form is filed, the clerk will stamp this box on the copies so everyone knows it is a copy of an official paper.

**J. Case number:**

- Always use the same case number as the one the clerk wrote on your *Application and Declaration for Order.* Use the same case number on all the forms you file.
- You will also have to write this information at the top of every page of this form.

**K. 1. Hearing information:**

- The clerk, the judge, or you will fill in this information.

**L. 2. Service:**

- **a.** Check this box if you and the person to be restrained were both at the hearing.
- **b.** Check this box if the person to be restrained was served but did not come to the hearing.
- **c.** Check this box if the person to be restrained agreed to the restraining order. The agreement (called a stipulation) must be in writing.

**M. 3a. Restrained person:**

- Check the box marked "Defendant/Respondent." Give as much information as possible about the restrained person. Make sure to write the person's approximate age or date of birth. This is so that law enforcement can identify this person. The information will also allow police throughout the state to protect you even if they don't have a copy of your restraining order, by looking up the information in a statewide domestic violence protective order registry.

**N. 3b. Protected person:**

- Write your name.

**O. 3c. Protected family and household:**

- List the name and age of every other person to be protected by this order.

**P. Expiration date:**

- The judge will tell you when this restraining order expires. Write the date and time the judge tells you in this box.

**Q. 4. Restraining orders:**

- Check the boxes for the orders the judge granted and fill in any necessary information, such as your address (4b), a description of your car (4c(6)), etc.

A B C D E F G H I J K L M N O P Q

DV–130

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, state bar number, and address)*:
ADDRESS WHERE YOU WANT MAIL SENT:
Pat Garcia
123 Long Street
My Town, CA 90000

TELEPHONE NO. *(Optional)*: (123) 555-1234 FAX NO. *(Optional)*:
E-MAIL ADDRESS *(Optional)*:
ATTORNEY FOR *(Name)*: in pro per

*FOR COURT USE ONLY*

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF** CENTRAL
STREET ADDRESS: Central County Courthouse
MAILING ADDRESS: 1 Court Street
CITY AND ZIP CODE: My Town, CA 90000
BRANCH NAME:

PROTECTED PERSON: PAT GARCIA

RESTRAINED PERSON: CHRIS JONES

**RESTRAINING ORDER AFTER HEARING (CLETS)**
**(Domestic Violence Prevention)**

CASE NUMBER:
DV99 123-456

*This form may be used with the* Findings and Order After Hearing *(form 1296.31), if the court makes additional orders.*

1. This proceeding was heard by judicial officer *(name)*:
on *(date)*: July 20, 1999 at *(time)*: 9:00 a.m. in Dept.: A Room: 14

2. a. [ ] The person seeking to be protected and the person to be restrained were personally present at the court hearing. No additional proof of service of this restraining order is required.
   b. [X] The person seeking the restraining order was personally present at the court hearing, and proof of service of the *Order to Show Cause* and *Application and Declaration for Order* was presented to the court.
      (1) [ ] The terms of this order are identical to those of the *Temporary Restraining Order*, except for its duration. This order may be served by mail.
      (2) [X] The terms of this order are different from those of the *Temporary Restraining Order*. This order must be personally served.
   c. [ ] By written stipulation. No additional proof of service of this restraining order is required.

**THE COURT FINDS:**

3. a. The restrained person is *(name)*: CHRIS JONES [X] Defendant/Respondent [ ] Plaintiff/Petitioner

   Sex: [X] M [ ] F Ht.: 5' 10" Wt.: 180 Hair color: Br Eye color: Blu Race: Wh Age: 39 Birth date: 1/5/60

   b. The protected person is *(name)*: PAT GARCIA
   c. The protected family and household members are *(list first and last names of all protected people under this order)*:
   RICHARD JONES
   ANA GARCIA

**THE COURT ORDERS:**

**THIS ORDER, EXCEPT FOR ANY AWARD OF CHILD CUSTODY, VISITATION, OR CHILD SUPPORT, SHALL EXPIRE AT**
**[X] MIDNIGHT OR [ ] OTHER TIME: _____ ON *(date)*:** July 19, 2002
**IF NO DATE IS PRESENT, THIS ORDER EXPIRES THREE YEARS FROM THE DATE OF ISSUANCE.**

4. The restrained person
   a. **shall not** contact, molest, harass, attack, strike, threaten, sexually assault, batter, telephone, send any messages to, follow, stalk, destroy the personal property of, disturb the peace of, keep under surveillance, or block movements in public places or thoroughfares of: [X] the person seeking the order [X] the other protected person(s) listed in item 3c
   except for peaceful contacts related to court ordered visitation of the minor children as set forth on page 2 of this order.
   b. [X] **must** immediately move from *(address)*: 123 Long Street, My Town, CA
   c. [X] **shall** stay at least ***(specify)***: 100 **yards** away from the following protected persons and places:
      (1) [X] person seeking the order
      (2) [X] the other protected persons listed in item 3c
      (3) [X] residence of person seeking the order
      (4) [X] place of work of person seeking the order

(Continued on reverse)



Form Adopted for Mandatory Use
Judicial Council of California
DV–130 [Rev. January 1, 2001]
Approved by DOJ

**RESTRAINING ORDER AFTER HEARING (CLETS)**
**(Domestic Violence Prevention)**

Family Code, § 6200 et seq.

**R.** **5. Custody and visitation:**

- If you have any minor children with the restrained person, check the boxes for custody and visitation orders.
- Copy the custody arrangement and visitation schedule from your DV-100 form *(Application and Declaration for Order)* onto Form 1296.31A, *Child Custody and Visitation Order Attachment* and/or Form 1296.31A(1), *Supervised Visitation Order* and attach it to this form.

**S.** **6. Child support:**

- If you have any minor children with the restrained person, check the boxes for a child support order.
- Fill out Form 1296.31B, *Child Support Information and Attachment Order* and attach it to this form.

**T.** **7. Additional orders:**

- Check the boxes for any other orders you asked for in your *Application and Declaration and Order.*
- Anything related to property, debt, attorney fees, restitution, and counseling is ordered here. Batterer's treatment is ordered separately at line 9.
- Copy the items from your DV-100 form *(Application and Declaration for Order)* onto Form 1296.31E, *Domestic Violence Miscellaneous Orders Attachment* and attach it to this form.

**U.** **8. Firearm relinquishment:**

- Check the boxes for appropriate timing of relinquishment.

**V.** **9. Recording of prohibited communications:**

- Check this box if the judge ordered that you may record prohibited communications made to you by the restrained person. Prohibited communications are any contacts (i.e. telephone calls) that violate the restraining order.

**W.** **10. Batterer's program:**

- Check this box for an order telling the restrained person to go through a certified batterer's program.

**X.** **11. Fee waiver:**

- Check this box if the judge ordered that you do not have to pay the fees to have the restraining order "served on" (delivered to) the restrained person.

G H J

| PROTECTED PERSON *(name)*: PAT GARCIA<br>RESTRAINED PERSON *(name)*: CHRIS JONES | CASE NUMBER: DV99 123-456 |
|---|---|

4. c. *(Continued)*
   (5) [X] the children's school or place of child care 123 School Street, My Town
   (6) [X] protected person's vehicle
   (7) [X] other *(specify)*: My Town Church, 124 Church Street, My Town

*Read this order carefully. Taking or concealing a child in violation of this order may be a felony and punishable by confinement in state prison, a fine, or both.*

R

5. [X] **CHILD CUSTODY AND VISITATION**
   The custody and visitation of the minor children is ordered as set forth in the attached forms, which are incorporated herein and made an operative part of this order. Peaceful contacts shall be allowed related to court-ordered visitation.
   a. [X] *Child Custody and Visitation Order Attachment* (form 1296.31A)
   b. [X] *Supervised Visitation Order* (form 1296.31A(1))
   c. [ ] Other *(specify)*:

S

6. [X] **CHILD SUPPORT**
   Child support for the minor children shall be ordered as set forth in the attached forms, which are incorporated herein and made an operative part of this order.
   a. [X] *Child Support Information and Order Attachment* (form 1296.31B)
   b. [ ] Other *(specify)*:

T

7. [X] **ADDITIONAL ORDERS**
   Additional orders relating to property control, debt payment, attorney fees, restitution, counseling and/or other orders are set forth in the attached forms, which are incorporated herein and made an operative part of this order.
   a. [X] *Domestic Violence Miscellaneous Orders Attachment* (form 1296.31E)
   b. [ ] Other *(specify)*:

U

8. **MANDATORY FIREARM RELINQUISHMENT**
   **The restrained person must surrender to local law enforcement or sell to a licensed gun dealer any firearm in or subject to his or her immediate possession or control within**
   **a. [ ] 24 hours after issuance of this order (if restrained person is present at hearing).**
   **b. [X] 48 hours after service of this order (if restrained person is not present at hearing).**
   **c. [ ] other *(specify)*:**

V

**The restrained person shall file a receipt with the court showing compliance with this order within 72 hours of receiving this order.**

9. [X] **RECORDING OF PROHIBITED COMMUNICATIONS**
   The protected person may record any prohibited communications made to him or her by the restrained person.

W

10. [X] The restrained person is ordered to participate in a certified batterer's program for 12 months at that party's expense with the results of attendance and completion to be provided to the court.

X

11. [ ] Fees for service of this order by law enforcement are waived.

(Continued on page three)

**Y. 12. Law enforcement:**

- This is where you list the name of the law enforcement agencies (including security) that will protect you where you live.
- If the restrained person is not at the hearing, you will have to give law enforcement a copy of the *Proof of Service* after you serve this order on the restrained person. Ask your court who delivers the copies.

**Z. 13. Other law enforcement:**

- This is where you list the name of the law enforcement agencies (including security) that will protect you where you work, your children go to school, and other places you or other household members often go.

**AA. 14. Number of pages in order:**

- Write how many extra pages you are giving the judge. Do not count this form. If you are giving the judge only this form, write "0."
- THIS IS THE LAST ITEM YOU HAVE TO COMPLETE ON THIS FORM.

**BB. Signature of Judicial Officer and date:**

- This is for the judge.

**CC. Clerk's certificate:**

- This section is for the clerk. Leave this blank.

G H J

| PROTECTED PERSON *(name)*: PAT GARCIA<br>RESTRAINED PERSON *(name)*: CHRIS JONES | CASE NUMBER: DV99 123-456 |
|---|---|

Y

12. [X] A copy of this order shall be delivered by the protected person to the law enforcement agency having jurisdiction over the residence of the protected person, who shall provide information to assist in identifying the restrained person. Proof of service of this order on the restrained person shall also be provided to law enforcement unless the order shows the restrained person was present in court. The law enforcement agency having jurisdiction over the plaintiff's residence is *(name and address of agency)*: My Neighborhood Police 500 Neighborhood Ave., My Town, CA 90000

Z

13. [X] A copy of this order shall be given to the additional law enforcement agencies listed below by the protected person or the protected person's attorney:

| Law enforcement agency | Address |
|---|---|
| Monte Police Dept. | 9000 Bay Blvd., Monte, CA 90009 |

AA

14. Any attachments noted in items 5, 6, and 7 of this order are attached hereto, incorporated herein, and made a part of this order. Number of pages attached: 4

BB

Date: _____

_____
JUDICIAL OFFICER

This order is effective when made. It is enforceable anywhere in all 50 states, the District of Columbia, all tribal lands, and all U.S. territories and shall be enforced as if it were an order of that jurisdiction 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 proof of service on the restrained person has not been received, and the restrained person was not present at the court hearing, the law enforcement agency shall advise the restrained person of the terms of the order and then shall enforce it. Violations of this restraining order are subject to state and federal criminal penalties. This order meets all Full Faith and Credit requirements of the Violence Against Women Act, 18 U.S.C. 2265 (1994) (VAWA). This court has jurisdiction of the parties and the subject matter; the defendant has been 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 this and all other jurisdictions.

**NOTICE REGARDING FIREARMS**

**Any person subject to a restraining order is prohibited from owning, possessing, purchasing or attempting to purchase, receiving or attempting to receive, or otherwise obtaining a firearm. Such conduct is subject to a $1,000 fine and imprisonment. Under federal law, the issuance of a restraining order after hearing will generally prohibit the restrained person from owning, accepting, transporting, or possessing firearms or ammunition. Possession of a firearm while subject to this order may be a felony under federal law punishable by up to ten (10) years in prison and a $25,000 fine.**

**CLERK'S CERTIFICATE**

[SEAL]

CC

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

Date: Clerk, by _____, Deputy

*[Text continued on page 61]*

# INSTRUCTIONS: 1296.31A
# Child Custody and Visitation Order Attachment
# (Family Law–Domestic Violence Prevention–Uniform Parentage)

**This is an order.**

**Fill out as much of this form as you can before the hearing and bring it to the hearing. You may fill out the form with the orders you hope to get. However, please understand that the judge decides what your order will include. The judge may change any or all of the order.**

**If you fill out this form before the hearing, you may have to make changes after the hearing so it says only what the judge ordered.**

**A. Petitioner/Plaintiff:**

- Your name, exactly the way you wrote it on the *Application and Declaration for Order* form.

**B. Respondent/Defendant:**

- The name of the person against whom you are seeking these orders, exactly the way you wrote it on the *Application and Declaration for Order* form.

**C. Case number:**

- Always use the same case number as the one the clerk wrote on your *Application and Declaration for Order*.

**D. Attachment to:**

- Check the box with the name of the form to which you are attaching this form.
- If you are attaching this form to Form DV-130, check the box marked "Restraining Order After Hearing (CLETS)."
- If you are attaching this form to Form DV-110, check the box marked "Order to Show Cause and Temporary Restraining Order."

**E. 1. Custody:**

- Check this box for a custody order.
- Write the name of each child whose custody is at issue.
- Write each child's birth date.
- Write who will have legal custody of each child. See *Legal Terms of Custody Defined* on page 9 of this booklet.
- Write who will have physical custody of each child. See *Legal Terms of Custody Defined* on page 9 of this booklet.

**F. 2. Visitation:**

- Check this box for a visitation order.
- Depending on your situation, the judge will decide if the schedule that you request is best for the child.
- Check box 2a, "No visitation," for an order preventing the restrained person from having visitation with the child. This might be because the restrained person has been violent or has sexually abused the child, or threatens to steal the child or is dangerous to the child.
- Do not check box 2b.
- Check box 2c if you are attaching a separate visitation schedule. Write how many pages you are attaching and write the date when you wrote the schedule. (The date should also be on the schedule that you attach.)
- Check box 2d if you and the restrained person disagree about custody and visitation but have not yet had mediation.
- Check box 2e to set up a visitation schedule on this form. Try to set up as specific a schedule as possible.
- If you check box 2e, fill in the date when visitation will start, and the pickup and dropoff times for weekend and weekday visitations. If you want to arrange other dates (for example, vacations, birthdays, etc.), check box 2e(iv) and list the days and times. This is also where you can list other limits on visitation.
- If you can't fit everything on this form, you can attach a schedule or other limitations.

**G. 3. Supervised visitation:**

- Check this box for a supervised visitation order. You may also fill out and attach Form 1296.31A(1), *Supervised Visitation Order*.
- If the restrained person is the father or the mother of the child, check the appropriate box.
- Write the supervisor's name and phone number and who will pay for supervision.

**H. 4. Transportation:**

- Check this box for a transportation order.
- Check the boxes to arrange who will pick up and drop off the child, and where the child will be picked up and dropped off.

**I. 5. Removing the child:**

- Check this box for an order to limit removal of the child.
- If the restrained person is the father or the mother of the child, check the appropriate box.
- Check the boxes for orders that limit how far the restrained person can take the child. Use these boxes if you think the restrained person might kidnap the child.

A B C

1296.31A

| PETITIONER / PLAINTIFF: PAT GARCIA<br>RESPONDENT / DEFENDANT: CHRIS JONES | CASE NUMBER: DV99 123-456 |
|---|---|

## CHILD CUSTODY AND VISITATION ORDER ATTACHMENT

D

**Attachment to** [ ] **Findings and Order After Hearing** [ ] **Judgment** [X] **Restraining Order After Hearing (CLETS)**
[ ] **Order to Show Cause and Temporary Restraining Order** [ ] **Other**

E

1. [X] **CUSTODY** Custody of the minor children of the parties is awarded as follows:

| Child's name | Child's birth date | Legal custody to *(name)* | Physical custody to *(name)* |
|---|---|---|---|
| Richard Jones | November 26, 1994 | Pat Garcia | Pat Garcia |

F

2. [X] **VISITATION**
   a. [ ] No visitation.
   b. [ ] Reasonable right of visitation to the party without physical custody. (Not appropriate in cases involving domestic violence.)
   c. [ ] As set forth in the attached custody and visitation agreement, recommendation, or schedule consisting of *(number)*: pages, dated:
   d. [ ] The parties are referred to court-affiliated mandatory mediation forthwith. The address and telephone number are *(specify)*:
   e. [X] Pending further order of the court, specific visitation as follows:
      (i) [ ] **WEEKENDS** *(specify starting date)*: _____
      [ ] Father [ ] Mother shall have the children with him/her from:
      [ ] First weekend of the month *(specify day(s) and time)*: from _____ at _____ [ ] a.m. [ ] p.m. to _____ at _____ [ ] a.m. [ ] p.m.
      [ ] Second weekend of the month *(specify day(s) and time)*: from _____ at _____ [ ] a.m. [ ] p.m. to _____ at _____ [ ] a.m. [ ] p.m.
      [ ] Third weekend of the month *(specify day(s) and time)*: from _____ at _____ [ ] a.m. [ ] p.m. to _____ at _____ [ ] a.m. [ ] p.m.
      [ ] Fourth weekend of the month *(specify day(s) and time)*: from _____ at _____ [ ] a.m. [ ] p.m. to _____ at _____ [ ] a.m. [ ] p.m.
      [ ] Fifth weekend of the month *(specify day(s) and time)*: from _____ at _____ [ ] a.m. [ ] p.m. to _____ at _____ [ ] a.m. [ ] p.m.
      (ii) [X] **ALTERNATE WEEKENDS** *(specify starting date)*: July 21, 1999
      [X] Father [ ] Mother shall have the children with him/her from *(specify day(s) and time)*: from Saturday at 9:00 [X] a.m. [ ] p.m. to Sunday at 6:00 [ ] a.m. [X] p.m.
      (iii) [X] **MID-WEEK**
      [X] Father [ ] Mother shall have the children with him/her from *(specify day(s) and time)*: from Wednesday at 4:00 [ ] a.m. [X] p.m. to Wednesday at 7:30 [ ] a.m. [X] p.m.
      (iv) [X] **Other** *(specify day(s) and time(s) as well as any additional restrictions)*: [ ] See Attachment 2e(iv).
      Chris Jones may not use alcohol or non-prescription drugs 24 hours prior to or during visitation.

G

3. [X] **SUPERVISED VISITATION** [X] See Attachment 1296.31A(1)
   until [X] further order of the court [ ] other
   [X] Father [ ] Mother shall have the supervised visitation with the minor children according to the schedule set forth in item 2 above. The visits shall be supervised by *(name)*: Melinda Jones
   The supervisor's phone number is: (123) 444-4321
   Costs for supervision shall be paid as follows: Father: _____%, Mother: _____% n/a

H

4. [X] **TRANSPORTATION FOR VISITATION AND PLACE OF EXCHANGE**
   a. [X] Transportation to the visits shall be provided by [ ] Father [X] Mother [ ] Other *(specify)*:
   b. [X] Transportation from the visits shall be provided by [X] Father [ ] Mother [ ] Other *(specify)*:
   c. [X] The exchange of the children shall occur at *(specify location)*: 234 Maple Street, My Town (Chris' mother's house, Melinda Jones)
   d. [ ] Other *(specify)*:

I

5. [X] **THE MINOR CHILD SHALL NOT BE REMOVED BY** [X] Father [ ] Mother
   a. [X] from the State of California
   b. [X] from the following counties: Central County and Small County
   c. [ ] other *(specify)*:
   without the written consent of the other parent or order of court, except as specified in this order.



Form Adopted for Mandatory Use
Judicial Council of California
Rule 1296.31A [Rev. July 1, 1999]

**CHILD CUSTODY AND VISITATION ORDER ATTACHMENT**
**(Family Law—Domestic Violence Prevention—Uniform Parentage)**

Family Code, §§ 3020, 3022, 3040-3043, 3100, 6340, 7604

*[Text continued on page 65]*

# INSTRUCTIONS: 1296.31A(1)
# Supervised Visitation Order
# (Family Law–Domestic Violence Prevention–Uniform Parentage)

**This is an order.**

**Fill out as much of this form as you can before the hearing and bring it to the hearing. You may fill out the form with the orders you hope to get. However, please understand that the judge decides what your order will include. The judge may change any or all of the order.**

**If you fill out this form before the hearing, you may have to make changes after the hearing so it says only what the judge ordered.**

**A. Petitioner/Plaintiff:**

- Your name, exactly the way you wrote it on the *Application and Declaration for Order* form.

**B. Respondent/Defendant:**

- The name of the person against whom you are seeking these orders, exactly the way you wrote it on the *Application and Declaration for Order* form.

**C. Case number:**

- Always use the same case number as the one the clerk wrote on your *Application and Declaration for Order.*

**D. 1. Why there should be supervised visitation:**

- Check the box for the person who will be supervised. If you filed for a restraining order, you are the "Petitioner" and the restrained person is the "Respondent." (See next bullet.)
- Check all the boxes that describe the reason(s) for the restrained person to have supervised visitation with the children. You must at least check the box marked "domestic violence" since this is an attachment to a domestic violence restraining order. But you should also check any other boxes that apply.
- If you check the box marked "other," you must explain the reason.

**E. 1. Disputing allegations:**

- If the restrained person disagrees with what you are saying happened and the judge wants to hear more facts, the judge will check the appropriate box here.

**F. 2. Who will have supervised visitation:**

- Check the box for the person who will be supervised.

**G. 3. Supervised visitation orders:**

- Write the name of each child who will have supervised visitation. Write each child's birthdate, age, and sex. Write **F** (for Female) for girls and **M** (for Male) for boys.

**H. 4. Type of visitation:**

- Check box 4a, "Supervised visitation," for an order telling the restrained person to spend time with the children only in the presence of a supervisor. (See preceding bullet.)
- Check box 4b, "Supervised exchange only," for an order to have a supervisor present when you exchange the children with the restrained person.
- Check box 4c, "Therapeutic visitation," for an order that the restrained person see the children during visits with a therapist, counselor, social worker, psychologist, or psychiatrist.

**I. 5. Information about supervisor:**

- Check box 5a if the person who will supervise the visitation is a professional supervisor.
- Check box 5b if the person is not a professional supervisor (for example, a family member or friend).

**J. 6. Information about supervisor:**

- Write the supervisor's name, address, and phone number.

**K. 6. Other supervisor:**

- If you think you will sometimes want someone else to supervise the visitation, check this box. You should only check this box if you think you and the restrained person will agree to have someone else supervise the visitation. Do not check this box if you are avoiding all contact with the restrained person.

**L. 7. Duration and frequency:**

- Write how long (duration) each supervised visit will be. Write how often (frequency) the restrained person will have visitation.
- This can also be left blank. The visitation schedule is on Form 1296.31A.

**M. 8. Payment responsibility:**

- Write what portion of the cost of supervision you will pay and what portion of the cost of supervision the restrained person will pay.

**N. 9. Contacting supervisor:**

- Only check this box if you will be using a professional supervisor. Otherwise, leave this blank.
- Check the box saying if you will be the one to find and get in touch with a supervisor or if the restrained person will get in touch with the supervisor.
- Write the date by which you or the restrained person will have contacted the supervisor.

**O. 10. Other orders:**

- List any other orders limiting supervised visitation here.

**P. Signature of Judicial Officer and date:**

- This is for the judge.

A B C

1296.31A(1)

| PETITIONER / PLAINTIFF: PAT GARCIA<br>RESPONDENT / DEFENDANT: CHRIS JONES | CASE NUMBER: |
|---|---|

**SUPERVISED VISITATION ORDER**
**Attachment to *Child Custody and Visitation Order* (form 1296.31A)**

D 1. Evidence has been presented in support of a request that the contact of [ ] Petitioner [X] Respondent with the child(ren) be supervised based upon allegations of
[ ] abduction of child(ren) [ ] physical abuse [ ] drug abuse [ ] neglect
[ ] sexual abuse [X] domestic violence [ ] alcohol abuse [ ] other *(specify)*:

E [ ] Petitioner [ ] Respondent disputes these allegations and the court reserves the findings on these issues pending further investigation and hearing or trial.

F 2. The court finds, pursuant to Family Code section 3100, that the best interest of the child(ren) requires that visitation by [ ] Petitioner [X] Respondent shall, until further order of the court, be limited to contact supervised by the person(s) set forth in item 6 below pending further investigation and hearing or trial.

**THE COURT MAKES THE FOLLOWING ORDERS**

G 3. **CHILD(REN) TO BE SUPERVISED**

| Child's name | Birth date | Age | Sex |
|---|---|---|---|
| Richard Jones | November 26, 1994 | 5 years | M |

H 4. **TYPE**
a. [ ] Supervised visitation b. [X] Supervised exchange only c. [ ] Therapeutic visitation

I 5. **SUPERVISED VISITATION PROVIDER**
a. [ ] Professional (individual provider or supervised visitation center) b. [X] Nonprofessional

J 6. **AUTHORIZED PROVIDER**

| Name | Address | Telephone |
|---|---|---|
| Melinda Jones | 234 Maple Street, My Town, CA | (555) 444-4321 |

K [X] Any other mutually agreed-upon third party as arranged.

L 7. **DURATION AND FREQUENCY OF VISITS** (see form 1296.31A for specifics of visitation):

M 8. **PAYMENT RESPONSIBILITY** Petitioner: _____% Respondent: _____% n/a

N 9. [ ] Petitioner will contact professional provider or supervised visitation center no later than *(date)*:
[ ] Respondent will contact professional provider or supervised visitation center no later than *(date)*:

O 10. **THE COURT FURTHER ORDERS**

P Date:

JUDICIAL OFFICER

Page 5 of 8

Form Adopted by Rule 1296.31A(1)
Judicial Council of California
1296.31A(1) [New January 1, 1999]

**SUPERVISED VISITATION ORDER**
**(Family Law—Domestic Violence Prevention—Uniform Parentage)**

Family Code, §§3100, 3031

*[Text continued on page 69]*

# INSTRUCTIONS: 1296.31B
# Child Support Information and Order Attachment
# (Family Law–Domestic Violence Prevention–Uniform Parentage–Governmental)

**This is an order.**

**Fill out as much of this form as you can before the hearing and bring it to the hearing. You may fill out the form with the orders you hope to get. However, please understand that the judge decides what your order will include. The judge may change any or all of the order.**

**If you fill out this form before the hearing, you may have to make changes after the hearing so it says only what the judge ordered.**

**A Family Law Facilitator can help you fill out any child support form.**

**A. Petitioner/Plaintiff:**

- Your name, exactly the way you wrote it on the *Application and Declaration for Order* form.

**B. Respondent/Defendant:**

- The name of the person against whom you are seeking these orders, exactly the way you wrote it on the *Application and Declaration for Order* form.

**C. Case number:**

- Always use the same case number as the one the clerk wrote on your *Application and Declaration for Order*.

**D. Attachment to:**

- If you are attaching this form to Form DV-130, check the box marked "Restraining Order After Hearing (CLETS)."

**E. 1. Printout attached:**

- If you have a copy of a computer printout that calculates the expected amount of child support, check this box.
- Attach the printout to this form. You do not have to fill out items 2–4 if you attach a printout
- A Family Law Facilitator can help you fill out this form.

**F. 2a. Monthly income:**

- Write the monthly income for the child's mother and for the child's father.
- "Gross income" is the amount you get paid before you pay taxes. "Net income" is the amount you take home after you have paid taxes. You can write your gross income, or your net income, or both.
- If you or the other parent is receiving TANF or CalWORKS, check that box.

**G. 2b. Imputed income:**

- If the mother or the father of the child is not working but could work and earn money, check the box for "mother" or "father" and write the amount of money that the judge says the parent could earn. Write whether this is per week, per month, or per year.

**H. 3. Children of this relationship:**

- For question 3a, write how many children will be getting support through this order.
- For question 3b, write how much time the children spend with the mother and the father.

**I. 4a. Hardships:**

- Check box 4a if the mother or the father of the children is claiming special reasons to change the regular child support order.
- Check box 4a(1) if the mother or the father is supporting any other minor children. Write how much support is being paid. Write the date when the support payments will end.
- Check box 4a(2) if the mother or the father has to pay big, unusual medical bills. Write the amount of the bills. Write the date when the medical expenses will end.
- Check box 4a(3) if the mother or the father lost a lot of money or property. Write the amount lost. Write the date the loss happened.

**J. 4b. Hardships:**

- If the child is receiving TANF or CalWORKS, you may not be able to claim hardships. Check only box 4b.

**K. 5. Low income adjustment order:**

- If the judge orders a smaller amount of child support, he or she will write the order here.

**L. 6a. Base child support order:**

- Check the box saying whether the mother or the father is paying child support.
- For each child receiving support, write the child's name, the amount of child support every month, and the name of the adult receiving the child support payments. If you are the one receiving child support, write your name in the column marked "Payable to."
- Check the appropriate box for the payment schedule. The child support payment is once a month at the beginning of the month, or twice a month at the beginning and in the middle of the month. If the judge orders a different payment schedule, check the box marked "Other" and write the schedule ordered.

**M. 6b. Mandatory additional child support order**

- If the mother or the father is paying for child care, check box 6b(1).
- Check the boxes saying how much of the cost of child care the mother or the father should pay and write in the amount.
- If someone other than the mother or father is paying for child care, check the box marked "Costs to be paid as follows" and explain who should pay.

A B C

1296.31B

| PETITIONER / PLAINTIFF: PAT GARCIA<br>RESPONDENT/DEFENDANT: CHRIS JONES<br>OTHER PARENT: | CASE NUMBER:<br>DV99 123-456 |
|---|---|

## CHILD SUPPORT INFORMATION AND ORDER ATTACHMENT

D

Attachment to [ ] Findings and Order After Hearing [X] Restraining Order After Hearing (CLETS) [ ] Judgment [ ] Other

**THE COURT USED THE FOLLOWING INFORMATION IN DETERMINING THE AMOUNT OF CHILD SUPPORT**

E

1. [ ] A printout of a computer calculation and findings is attached and incorporated in this order for all required items not filled out below.

2. [X] **INCOME**

F

a. Each parent's monthly income is as follows:

| | Gross monthly income | Net monthly income | Receiving TANF/CalWORKS |
|---|---|---|---|
| Mother: | $ 2400 | $ | [ ] |
| Father: | $ 2900 | $ | [ ] |

G

b. Imputation of Income. The court finds that the [ ] Mother [ ] Father has the capacity to earn: $ per and has based the support order upon this imputed income.

H

3. [ ] **CHILDREN OF THIS RELATIONSHIP**

a. Number of children who are the subjects of the support order (specify):

b. Approximate percentage of time spent with: Mother 90 %
Father 10 %

I

4. [X] **HARDSHIPS**

Hardships for the following have been allowed in calculating child support:

| | Mother | Father | Approximate ending time for the hardship |
|---|---|---|---|
| a. [X] Other minor children: | $ 400 | $ | 2007 |
| b. [ ] Extraordinary medical expenses: | $ | $ | |
| c. [ ] Catastrophic losses: | $ | $ | |

J

**THE COURT ORDERS**

5. [X] **LOW INCOME ADJUSTMENT**

K

The court finds that the net income of the parent who will pay support is less than $1,000 per month. Based on the facts presented to the court, the principles provided in Family Code section 4053, and the impact of the contemplated adjustment on the respective net incomes of the mother and father, the court makes the following determination:

a. [ ] There shall be no low income adjustment.

b. [ ] There shall be a low income adjustment of: $ per month based upon (*specify*):

L

6. [X] **CHILD SUPPORT**

a. **Base child support**

[ ] Mother [X] Father shall pay child support beginning (date): August 1, 1999

and continuing until further order of the court, or until the child marries, dies, is emancipated, reaches age 19, or reaches age 18 and is not a full-time high school student, whichever occurs first, as follows:

| Child's name | Date of birth | Monthly amount | Payable to (name) |
|---|---|---|---|
| Richard Jones | December 26, 1994 | $495 | Pat Garcia |

Payable [ ] on the 1st of the month [X] one-half on the 1st and one-half on the 15th of the month
[ ] other (specify):

M

b. [X] **Mandatory additional child support**

(1) [X] Child care costs related to employment or reasonably necessary job training.

[X] Mother shall pay: 50 % of total or [ ] $ per month child care costs.

[X] Father shall pay: 50 % of total or [ ] $ per month child care costs.

[ ] Costs to be paid as follows (specify):

*THIS IS A COURT ORDER*

(Continued on reverse)

**N. 6b. Mandatory additional child support order:**

- If the mother or the father is paying for health care not covered by insurance, check box 6b(2).
- Check the boxes saying how much of the cost of health care the mother or the father should pay and write in the amount.
- If someone other than the mother or father is paying for health care, check the box marked "Costs to be paid as follows" and explain who should pay.

**O. 6c(1). Additional child support:**

- If the mother or the father is paying for education-related expenses or other special needs (such as counseling), check box 6c(1).
- Check the boxes saying how much of the cost of education-related expenses the mother or the father should pay and write in the amount.
- If someone other than the mother or father is paying for education-related expenses or other special needs, check the box marked "Costs to be paid as follows" and explain who should pay.

**P. 6c(2). Additional child support:**

- If the mother or the father is paying for travel to or from visitation, check box 6c(2). Check this box if the travel is substantial, such as a plane, train, or bus ride.
- Check the boxes saying how much of the cost of travel the mother or the father should pay and write in the amount.
- If someone other than the mother or father is paying for travel to or from visitation, check the box marked "Costs to be paid as follows" and explain who should pay.

**Q. Total child support:**

- Add the amounts that the restrained person should pay under 6a, b, and c. Write this amount here. This is how much child support the judge is ordering for you.

**R. 7. Health care expenses:**

- If you or the restrained person to be restrained has health insurance, the judge will order the person with insurance to cover the children.
- Check box 7b if neither of you can afford health insurance.
- Check box 7c if the parent with insurance will ask the insurance company to reimburse any costs paid to the parent who did not purchase the insurance.

**S. 8. Wage and earnings assignment:**

- The judge will order a wage and earnings assignment for child support. This means that the child support will come directly out of the paycheck of the person who has to pay. The wage assignment may take a little while to set up. Meanwhile, the person still has to pay child support.
- You will have to prepare the wage assignment yourself or get help. The Family Law Facilitator can help you with this form.
- Check box 8b for an order telling the mother or father to include the children in a health insurance plan.

**T. 9. Non-guideline order:**

- If you are not following the state guidelines for child support, check this box and attach Form 1296.31B(1), *Non-Guideline Child Support Findings Attachment.*
- If either of you is receiving public assistance, you must follow the guidelines.

**U. 10. Employment search:**

- Check this box for an order telling the mother or father to look for work. You should check this box if the person who should pay child support quit a job or stopped looking for work in order to avoid paying child support. The judge can add conditions on the type of work that the person must find; for example, the person can be ordered to make at least two job applications per week.

**V. 11. Other orders:**

Include any other orders.

**W. 12. Required attachments:**

- Make sure to attach these two forms to this order:
- Form 1285.78, the *Notice of Rights and Responsibilities re: Health Care Costs and Reimbursement Procedures.*
- Form 1285.79, the *Information Sheet Regarding Change of Child Support Orders.*
- You can get these forms from the Family Law Facilitator or the court clerk.

**X. 13. Registry information:**

- In the 10 days after the judge signs this order, you must fill out and file this form:
- Form 1285.92, the *Child Support Case Registry Form.* A Family Law Facilitator can help you fill out any child support form.
- If any of the information you wrote on the registry form changes, you must let the court know within 10 days; fill out a new form and file it with the court.

**Y. Unpaid child support:**

- There are penalties for not paying child support.

A B C

| PETITIONER / PLAINTIFF: PAT GARCIA<br>RESPONDENT/DEFENDANT: CHRIS JONES<br>OTHER PARENT: | CASE NUMBER:<br>DV99 123-456 |
|---|---|

N

**THE COURT FURTHER ORDERS**

6. b. **Mandatory additional child support (continued)**

(2) [x] Reasonable uninsured health care costs for the children

[x] Mother shall pay: 50 % of total or [ ] $ per month.

[x] Father shall pay: 50 % of total or [ ] $ per month.

[ ] Costs to be paid as follows (*specify*):

O

c. [ ] **Additional child support**

(1) [ ] Costs related to the educational or other special needs of the children

[x] Mother shall pay: 50 % of total or [ ] $ per month.

[x] Father shall pay: 50 % of total or [ ] $ per month.

[ ] Costs to be paid as follows (*specify*):

P

(2) [ ] Travel expenses for visitation

[ ] Mother shall pay: % of total or [ ] $ per month.

[ ] Father shall pay: % of total or [ ] $ per month.

[ ] Costs to be paid as follows (*specify*):

Q

**Total child support per month:** $ 495

R

7. **HEALTH CARE EXPENSES**

a. Health insurance coverage for the minor children of the parties shall be maintained by [ ] Mother [ ] Father, if available at no or reasonable cost through their respective places of employment or self-employment. Both parties are ordered to cooperate in the presentation, collection, and, reimbursement of any health care claims.

S

b. [ ] Health insurance is not available to [ ] Mother [ ] Father at a reasonable cost at this time.

c. [ ] The party providing coverage shall assign the right of reimbursement to the other party.

8. **WAGE AND EARNINGS ASSIGNMENT**

a. An *Order/Notice to Withhold Income for Child Support* (form OMB 0970-0154) shall issue. Note: The payor of child support is responsible for the payment of support directly to the recipient until support payments are deducted from the payor's wages, and for any support not paid by the assignment.

T

b. [ ] A *Qualified Medical Child Support Order* shall issue to [ ] Mother [ ] Father

9. [ ] **NON-GUIDELINE ORDER**

U

This order does not meet the child support guideline set forth in Family Code section 4055. A *Non-Guideline Child Support Findings Attachment* (form 1296.31 B(1)) is attached.

10. [ ] **EMPLOYMENT SEARCH ORDER (Fam. Code, § 4505)**

[ ] Mother [ ] Father is ordered to seek employment with the following terms and conditions:

V

11. **OTHER ORDERS:**

W

12. **REQUIRED ATTACHMENTS**

*A Notice of Rights and Responsibilities re: Health Care Costs and Reimbursement Procedures* (form 1285.78) and *Information Sheet Regarding Change of Child Support Orders* (form 1285.79) must be attached and are incorporated into this order.

X

13. **CHILD SUPPORT CASE REGISTRY FORM**

Both parties shall complete and file with the court a *Child Support Case Registry Form* (form 1285.92) within 1 0 days of the date of this order. Thereafter, the parties shall notify the court of any change in the information submitted within 10 days of the change by filing an updated form.

Y

**NOTICE: Any party required to pay child support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.**

*THIS IS A COURT ORDER*

*[Text continued on page 75]*

# INSTRUCTIONS: 1296.31E
# Domestic Violence
# Miscellaneous Orders Attachment
# (Domestic Violence Prevention–Uniform Parentage)

**This is an order.**

**Fill out as much of this form as you can before the hearing and bring it to the hearing. You may fill out the form with the orders you hope to get. However, please understand that the judge decides what your order will include. The judge may change any or all of the order.**

**If you fill out this form before the hearing, you may have to make changes after the hearing so it says only what the judge ordered.**

**A. Person to be protected:**

- Your name, exactly the way you wrote it on the *Application and Declaration for Order* form.

**B. Person to be restrained:**

- The name of the person against whom you are seeking these orders, exactly the way you wrote it on the *Application and Declaration for Order* form.

**C. Case number:**

- Always use the same case number as the one the clerk wrote on your *Application and Declaration for Order*.

**D. 1a. Property:**

- For a property order, list the property that you will use and control.

**E. 1b. Debt payment:**

- For an order telling the restrained person to pay certain debts, list the total debt, amount due each pay period, to whom, and by when.

**F. 2. Attorney fees and costs:**

- For an attorney fees order, write the attorney's name, the amount due, and when the bill is due.

**G. 3. Restitution:**

- For an order telling the restrained person to compensate you for lost earnings or other actual expenses, write where you spent the money, the amount you paid, and the date by which you need the money from the restrained person.

**H. 4a. Counseling:**

- The judge may order you and/or the restrained person to attend counseling. For this order, check the appropriate box.

**I. 4b. Batterer's treatment:**

- The judge may order the restrained person to go through a batterer's program. Check the box for this order.

**J. 5. Other orders:**

- This space is where you list other orders you need and are granted. See your DV-110 form for a list of those orders.

A B C

1296.31E

| PERSON TO BE PROTECTED: PAT GARCIA<br>PERSON TO BE RESTRAINED: CHRIS JONES | CASE NUMBER: DV99 123-456 |
|---|---|

**DOMESTIC VIOLENCE MISCELLANEOUS ORDERS ATTACHMENT**
**(Attachment to *Findings and Order After Hearing* (form 1296.31)**
**—or—**
**to *Restraining Order After Hearing (CLETS)* (form DV-130)**

D

1. a. [X] Person to be protected is given exclusive use, possession, and control of the following property:
1992 navy blue Ford Escort

E

b. [X] Person to be restrained shall make the following payments coming due while this order is in effect:

| Debt | Payable to | Amount of payment | Date payable |
|---|---|---|---|
| $746 | Sears | $25 per mo. | 15th of each mo. |
| $75 | PG&E | $50 per mo. | August 1, 1999 |
| $1250 | Used Car Credit Services | $200 per mo. | 30th of each mo. |

F

2. [ ] Person to be restrained shall pay the following attorney fees and costs:

| Payable to | Amount of payment | Date payable |
|---|---|---|
| | $ | |

G

3. [X] Person to be restrained shall make the following payments as restitution:

| Payable to | Amount of payment | Date payable |
|---|---|---|
| medical bill General Hospital | $200 | January 1, 2000 |
| front door lock Smith's Lock Services | $60 | July 15, 1999 |

H

4. a. [ ] The following parties shall participate in counseling as the court directs: [ ] Person to be protected [ ] Person to be restrained

I

b. [X] Person to be restrained shall participate in counseling for batterers.

J

5. [X] OTHER ORDERS:

Chris Jones shall not take papers from the family residence.

Page 8 of 8

Form Adopted by Rule 1296.31E
Judicial Council of California
1296.31E [Rev. January 1, 1999]

**DOMESTIC VIOLENCE MISCELLANEOUS ORDERS ATTACHMENT**
**(Domestic Violence Prevention—Uniform Parentage)**

Family Code, §§ 6324, 6340-6344

*[Text continued on page 79]*

# INSTRUCTIONS: 1296.15
# Application and Order for Reissuance of Order to Show Cause
# (Family Law–Domestic Violence Prevention–Uniform Parentage)

**This is the form you fill out if you don't yet have your *Restraining Order After Hearing* and you need your temporary restraining order (TRO) to last longer than the date and time written on your TRO.**

**A. Attorney or party without attorney:**

- If you are representing yourself, your name goes here.

**B. Mailing address:**

- Any address where the court can reach you. You do not have to use your personal address, but you must give an address, or the court will not be able to reach you.
- You can write "confidential" instead of writing your address. If you do this, make sure to give the court your address separately so that you can be reached.

**C. Telephone number:**

- Your telephone number goes here. You also give a number where the court can leave a message for you.
- You may leave this blank.

**D. Attorney for:**

- If you don't have a lawyer, write in "pro per." This tells the judge that you will be filing your papers without a lawyer.

**E. Superior Court of California, County of:**

- Ask the clerk of your court for this information, including your court's address. Your court may have preprinted this information.

**F. Plaintiff:**

- Your name, exactly the way you wrote it on the *Application and Declaration for Order* form.

**G. Defendant:**

- The name of the person against whom you applied for these orders, exactly the way you wrote it on the *Application and Declaration for Order* form.

**H. For court use only:**

- After this form is filed, the clerk will stamp this box on the copies so everyone knows it is a copy of an official paper.

**I. Case number:**

- Always use the same case number as the one the clerk wrote on your *Application and Declaration for Order.* Use the same case number on all the forms you file.

**J. 1. Original order:**

- **a.** If you have an *Order to Show Cause* signed by the judge, write the date that the judge signed it here.
- **b.** If you had a hearing date set for your *Order to Show Cause* (see Form DV-110, item 2), write this date here.
- **c.** If you filled out this form in the past and had the judge sign it, write how many times this happened. If you never filled it out before, write "none."

**K. 2. Reason you want this reissuance:**

- Check off the box that says why you want the judge to reissue your *Order to Show Cause and Temporary Restraining Order.*
- If you check box 2c, you must explain why you are asking for a reissuance.

**L. Date:**

- The date you sign. THIS IS VERY IMPORTANT.

**M. Type or print name:**

- Type or print your name here.

**N. Signature:**

- Sign here. THIS IS VERY IMPORTANT. YOUR FORMS WILL NOT BE PROCESSED IF YOU DO NOT SIGN THEM.
- THIS IS THE LAST ITEM YOU HAVE TO COMPLETE ON THIS FORM.

**O. 3. New hearing date:**

- The clerk, the judge, or you will fill in this information.
- Read this carefully to see when and where your new hearing will be. Write down this information. Do not miss your new hearing or your restraining orders will expire.

**P. 3b. Service:**

- The judge or clerk will check the box that says who will give a copy of this form and a *Proof of Service* form to law enforcement. Read this carefully.
- If you see that the box "the plaintiff shall deliver" has been checked, <u>you are responsible</u> for making sure law enforcement gets a copy of this order.
- You will also need a *Proof of Service* form (DV-140).

**Q. Signature of Judicial Officer and date:**

- This is for the judge.

**R. Clerk's certificate:**

- This section is for the clerk. Leave this blank.

1296.15

| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): | TELEPHONE NO.: | FOR COURT USE ONLY |
|---|---|---|
| Pat Garcia<br>123 Long Street<br>My Town, CA 90000 | (123)555-1234 | |
| ATTORNEY FOR (Name): In pro per | | |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF CENTRAL<br>STREET ADDRESS: Central County Courthouse<br>MAILING ADDRESS: 1 Court Street<br>CITY AND ZIP CODE: My Town, CA 90000<br>BRANCH NAME: | | |
| PLAINTIFF: PAT GARCIA<br>DEFENDANT: CHRIS JONES | | |
| **APPLICATION AND ORDER FOR REISSUANCE OF ORDER TO SHOW CAUSE**<br>**(Family Law — Domestic Violence Prevention — Uniform Parentage)** | | CASE NUMBER:<br>DV99 123-456 |

1. Plaintiff requests the court to reissue the Order To Show Cause and Temporary Restraining Order originally issued as follows:
   a. Order To Show Cause was issued on *(date)*: July 2, 1999
   b. Order To Show Cause was last set for hearing on *(date)*: July 21, 1999
   c. Order To Show Cause has been reissued previously *(number of times)*: none
2. Plaintiff requests reissuance of the order because:
   a. [X] Defendant was unable to be served as required before the hearing date.
   b. [ ] The hearing was continued because the parties were referred to court mediators, conciliation court, or family court services.
   c. [ ] Other *(specify)*:

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

Date: July 20, 1999

Pat Garcia
(TYPE OR PRINT NAME)

Pat Garcia
(SIGNATURE)

**ORDER**

3. IT IS ORDERED that the Order To Show Cause issued as shown in item 1 above is re-issued and reset for hearing in this court as follows:

| Date: | time: | dept.: | rm.: |
|---|---|---|---|
| at the street address of the court shown above. | | | |

   b. By the close of business on the date of this order a copy of this order and any proof of service shall be given to the law enforcement agencies named in the Order To Show Cause as follows:
      [ ] the plaintiff shall deliver.
      [ ] the plaintiff's attorney shall deliver.
      [ ] the clerk of the court shall mail.
   c. A copy of this order shall be attached to documents to be served on the defendant, as directed in the Order To Show Cause, and shall also be served on the defendant.
   d. All other orders contained in the Order To Show Cause remain in full force and effect unless modified by this order. **THE ORDER TO SHOW CAUSE AND THIS ORDER EXPIRE ON THE DATE AND TIME OF THE HEARING SHOWN IN THE BOX ABOVE UNLESS EXTENDED BY THE COURT.**

Date:

JUDGE OF THE SUPERIOR COURT

**CLERK'S CERTIFICATE OF MAILING**

I certify that I am not a party to this cause and that a copy of the foregoing was mailed first class, postage prepaid, in a sealed envelope addressed as shown in the Order To Show Cause and that the foregoing was mailed and this certificate was executed at

*(place)*: , California,

on *(date)*: Clerk, by _____, Deputy

Form Adopted by Rule 1296.15
Judicial Council of California
1296.15 [Rev. January 1, 1985]

**APPLICATION AND ORDER FOR REISSUANCE OF ORDER TO SHOW CAUSE**
**(Family Law — Domestic Violence Prevention — Uniform Parentage)**

CCP 527(b)

*[Text continued on page 83]*

## WHAT DO I DO NOW THAT I HAVE COMPLETED THE FORMS?

☑ Check the boxes to make sure you have completed all steps.

☐ **Step 1: Make Copies**
To start, you **will need at least five copies** of the following completed forms:
(1) *Application and Declaration for Order*;
(2) *Order To Show Cause and Temporary Restraining Order*.

Later, you will need to make five copies of every other form you use.

☐ **Step 2: Bring Forms to the Clerk's Office**
The clerk will tell you where to bring the forms. After you bring in your forms, the judge will review them. Then the judge will decide whether or not to grant you your temporary restraining orders.

☐ **Step 3: Find Out Whether or Not You Got Your Temporary Orders**
You may have to come in to talk to the judge, or you may not see the judge at all. The judge will review your forms without you and sign the temporary restraining orders if the facts you wrote in your application make it clear that you need the orders. If the judge grants the orders, the TRO (temporary restraining order) forms will be available for you to pick up that day or the next day from the clerk.

Read the TRO forms carefully to see:
(1) Did the judge grant your orders?
(2) If the orders were granted, did the judge make any changes to them?

☐ **Step 4: File Forms**
All forms must be filed. Check with the clerk whether your court's staff will file the judge's order for you or whether you must take them back to the clerk's office. The clerk will stamp the judge's signature and date of signing of the copies. The clerk will then file the originals and give you back your copies.

☐ **Step 5: Keep Copies of Your Temporary Restraining Orders**
Request that your copies of the orders be certified. There are no fees for these copies. The clerk must give you **five certified copies.** You can make more copies if you need them.

Carry one copy with you and keep one in a safe place. You may need one if you have to call the police.

Give a copy of the restraining orders to any other person to be protected by the order. Also give a copy to any place (for example, a school or workplace) from which the restrained person is supposed to stay away.

All restraining orders must be entered into a statewide computerized registry at the California Department of Justice. To ensure that this will happen, you may deliver copies of your orders to the law enforcement agency(ies) listed on the orders and to security in your building, your work, or school. In some counties, the court clerk will do this for you. Ask your local court clerk what procedure you should use to deliver copies.

☐ **Step 6: Mark Your Calendar for the Court Hearing**
You will find the court hearing information (date, time, and room) on your *Order To Show Cause and Temporary Restraining Order* form. The court clerk, the calendar clerk, the judge, or you will fill in your hearing date on that form.

☐ **Step 7: Serve the Person to Be Restrained**
You cannot "serve" (deliver) the papers yourself. You must have someone 18 years of age or older serve the orders. The person you choose may not be a party to the action or a protected person. You may ask the sheriff or marshal to serve the papers, or a process server, or someone you know. Service must be personal (where a person hands the papers to the person to be restrained). Service by mail is not enough.

☐ **Step 8: File your *Proof of Service***
Your *Proof of Service* is very important. The *Proof of Service* shows the court or law enforcement that the restrained person has been served. Make sure the completed *Proof of Service* is filed with the court at least two days before the hearing date. Check with your local court for its filing policy. YOU MUST BRING A COPY OF YOUR *PROOF OF SERVICE* TO YOUR HEARING. IF YOU HAVE NOT YET FILED THE ORIGINAL, BRING THE ORIGINAL TO YOUR HEARING.

(1) Be sure that the person serving the documents completes the original *Proof of Service*, writes where the person to be restrained was served, and signs and dates the form.

(2) Make copies of the *Proof of Service*.

(3) Take the original *Proof of Service* form and the copies to the court clerk's office. The clerk will file the original and return the "Endorsed Filed" copies to you.

(4) Ask the clerk if your county has a system to electronically transmit copies of your restraining orders to law enforcement agencies. If your county does not, take one of the Endorsed Filed copies of the *Proof of Service* and of the *Order to Show Cause and Temporary Restraining Order* (OSC/TRO) to each of the law enforcement agencies listed on the order so that they have a copy. This will ensure that law enforcement knows about your restraining orders and can enforce them. DO NOT LEAVE THE ORIGINAL *PROOF OF SERVICE* WITH A LAW ENFORCEMENT AGENCY. IT MUST BE FILED WITH THE COURT.

(5) Keep two Endorsed Filed copies for yourself in case you need to enforce the orders.

☐ **Step 9: Problems With Service**
If you are unable to have the restrained person served before the hearing as ordered by the court:

(1) Fill out the form called *Application and Order for Reissuance of Order to Show Cause* (Form 1296.15). You can only use this form **before or at** the hearing that was originally scheduled. You need the judge's signature, and you need to file this form with the court. If you wait until after the scheduled hearing date, you will have to start the whole process again.

(2) Check box 2a on Form 1296.15.

(3) Before or at the scheduled hearing, bring the form to court, make sure the judge signs it, and schedule a new hearing. File the form with the clerk. Once the form is signed and filed, your orders will last until the new hearing date.

(4) Attach this form to the other forms and have the restrained person served.

(5) Remember to give an "Endorsed Filed" copy of this form to each law enforcement agency listed on the original order.

☐ **Step 10: Court Hearing**

**—What You Need to Know About the Hearing**

- You can bring someone with you for support who will sit with you but will not speak for you. Please do not bring children to court.
- In order to be sure to be on time, it is a good idea to get there early; if you are late, your case may be removed from the court calendar. This means you may have to start all over again.
- Find the courtroom and tell the clerk or bailiff you are present.
- Let the clerk or bailiff know if you are worried that the person to be restrained will contact you in the courtroom or hallway.
- Look over your papers before the hearing starts so you will be prepared.
- Be seated and watch the other cases until your case is called.
- When it is your turn and your name is called, go to the front of the courtroom.
- If you do not understand something, do not be afraid to say so.
- Do not interrupt the judge or the person to be restrained.
- Speak only to the judge. Do not talk to the person to be restrained except as needed to ask questions.
- If the person to be restrained lies in court, you should tell the judge after the person is finished talking.

**—How to Handle Questions**

- The judge may ask you questions; answer truthfully and slowly.
- The person to be restrained or his or her attorney may ask you questions.
- If the person to be restrained or any other person testifies, you have the right to ask that person questions about what they say.

**—Be Prepared to Present Your Case**

- Bring any witnesses or documentation to court that would help your case.
- If you think that the person to be restrained will lie in court, bring a witness to court who saw or heard the violence or saw your injuries.
- Documentation might include police reports, medical reports, rental agreements, photos, rent receipts, bills, etc. The judge will decide what is admissible.

**—The Judge Makes the Decision**

- Bring in the *Restraining Order After Hearing* form. You may fill it out the way you would like it to be, but you will then have to make changes to it, based on what the judge orders.
- When the hearing is over, the judge will announce which orders are granted.
- Check to see if the judge's spoken order is different in any way from your *Restraining Order After Hearing* form. If you filled out the form ahead of time, you should print any changes that need to be made directly onto your *Restraining Order After Hearing* form.
- Make sure the judge signs the *Restraining Order After Hearing.* Make sure to get at least five copies of the order. Some courts will make the copies for you, or you will have to make the copies yourself.

**—The Judge Could Continue the Case**

- The judge may tell you to come back for another hearing at a later date. This could happen if your hearing is taking longer than planned, or if the judge doesn't have enough facts to decide and wants you to bring in more information, or if the person to be restrained asks for time to get a lawyer or prepare a response.
- In the meantime, the judge may extend your temporary orders so that they last until the next hearing.
- Fill out the form called *Application and Order for Reissuance of Order to Show Cause.*
- Check box 2c on Form 1296.15 and explain why the hearing was continued.
- Make sure the judge signs the form and schedules a new hearing. File the form with the clerk. Once the form is signed and filed, your orders will last until the new hearing date.
- Make sure to get at least five copies of the *Application and Order for Reissuance of Order to Show Cause.* Some courts will make the copies for you, or you will have to make the copies yourself.
- If the restrained person did not come to your hearing, have the *Application and Order for Reissuance of Order to Show Cause* with the new hearing date served on the restrained person immediately.
- Also deliver an "Endorsed Filed" copy of this form to each law enforcement agency listed on the original order.
- Bring all your papers back to court at the next hearing.

**—If There Are Disputes About Child Custody or Visitation**

- All child custody and visitation disputes are handled first through mediation.
- You can bring a support person with you to mediation. You can also ask to meet separately with the mediator and attend mediation at separate times from the person to be restrained.
- If your hearing is postponed to another day to allow for mediation, ask the judge to extend your temporary restraining orders, as well as any temporary custody and visitation orders.
- You will need to fill out the form called *Application and Order for Reissuance of the Order to Show Cause.*
- Check box 2b on Form 1296.15.
- Bring the form to court, make sure the judge signs it, and schedule a new hearing. File the form with the clerk. Once the form is signed and filed, your orders will last until the new hearing date.
- Make sure to get at least five copies of the *Application and Order for Reissuance of Order to Show Cause.* Some courts will make the copies for you, or you will have to make the copies yourself.
- Attach this form to the other forms and have the restrained person served.
- Also deliver an "Endorsed Filed" copy of this form to each law enforcement agency listed on the original order.
- Bring all the forms back to your next hearing.

☐ **Step 11: Steps After Court Hearing**

Once you get your *Restraining Order After Hearing*:

(1) File the *Order.*
(2) Have it served on the restrained person. If the restrained person came to the hearing, you do not have to serve the form. However, it is still a good idea to mail the person a copy of the *Restraining Order After Hearing.*
(3) File the *Proof of Service.*

# KEEP YOURSELF SAFE

## What Do I Do With My Order?

**Keep your own copy of the *Order After Hearing* with you at all times.**

Always keep a copy of the *Proof of Service* with each copy of the *Order After Hearing.* You may also want to deliver copies to other people protected by the orders or to schools, building security, or places of employment the restrained person has been ordered to stay away from. If you have been given custody of a minor child, you may want to deliver a copy to the child's school, daycare center, or babysitter.

## When Should I Call the Police?

**Report any violation of the orders *as soon as possible* to your local law enforcement agency.**

Keep a written record of the incidents and obtain copies of police reports concerning the incidents. If you receive treatment for any further injuries caused by the restrained person, obtain copies of medical reports prepared by attending physicians.

## What Happens If I Don't Have *Proof of Service*?

**Call law enforcement anyway.**

Even though your orders become effective when the judge signs them, the restrained person must know what the orders are before they can be enforced. Your *Proof of Service* proves that the restrained person knows what the orders say.

If law enforcement does not have a copy of the *Proof of Service* on the restrained person, and the restrained person was not present at the court hearing, the police officer will advise the restrained person of the terms of the order and then enforce it.

## What If the Restrained Person Violates the Orders?

**Violation of a Restraining Order is a Crime.**

The punishment may include fines and imprisonment. Your local district or city attorney's office will decide whether to file a criminal complaint after you or the police request it.

Violation of a restraining order is also punishable by civil contempt of court. You may file a civil contempt action in the same court that issued the restraining orders.

The law forbids any restrained person from possessing, purchasing, or attempting to purchase or otherwise obtain a firearm. A violation can result in a fine and imprisonment.

# INFORMATION AND INSTRUCTIONS FOR THE RESTRAINED PERSON

**What Do I Do After Being Served With a Restraining Order Against Me?**

Read the papers served on you very carefully. The *Order to Show Cause* tells you when to appear in court and probably contains a *Temporary Restraining Order* forbidding you from doing certain things. You must obey these orders.

IF YOU DISOBEY THE COURT'S ORDERS, CIVIL OR CRIMINAL CHARGES MAY BE FILED AGAINST YOU.

**Do I Need a Lawyer?**

If you are served with a *Domestic Violence Order to Show Cause and Temporary Restraining Order* and *Application and Declaration for Order* you should promptly seek legal advice. Contact the local bar association (listed in the phone book), a lawyer referral service, or a friend for a referral, or look under "Attorneys" in the yellow pages of your telephone book.

Whether or not you choose to consult an attorney, you should read these instructions and the other documents you have received.

**Can I Respond to the *Application* for a Restraining Order?**

If you wish to oppose the *Application*, or make your own request for court orders, you should file a *Responsive Declaration to Order to Show Cause.* In addition to the response, you may file and serve declarations signed by persons who have personal knowledge of the facts.

If you want your own restraining order against the other person, you must file your own *Application.*

If you do not know how to prepare these forms, you should see an attorney. If you are being abused, you can get help with your forms at a shelter for victims of abuse, a domestic violence advocacy center, or a victim-witness program.

After you have filed the *Responsive Declaration* with the clerk of the court, **a copy must be delivered by mail to the original person seeking the order or her or his attorney.**

**What Happens If I Do Not Go to the Hearing?**

The court may grant the orders even if you don't go to the hearing. The orders may last up to three years. You must obey these orders even if you don't go to the hearing. If you need more information, you should try to get a lawyer.

**What Else Must I Do Immediately?**

If the court ordered you to relinquish (turn in) your firearms, you must call your local law enforcement agency (police or sheriff) and make arrangements to turn in your firearms. Follow law enforcement's directions to bring them any firearms and ammunition you possess and get a receipt when you turn them in. You must file the receipt with the court.

# INSTRUCTIONS: DV-120
# Responsive Declaration to Order to Show Cause
# (Domestic Violence Prevention)

**If you have been served with an *Order to Show Cause and Temporary Restraining Order*, this is the form you use to respond.**

**A. Attorney or party without attorney:**
- If you are representing yourself, your name goes here.

**B. Address, telephone number, fax number:**
- If you do not give an address, the court will not be able to reach you. You may use any address where you can receive mail, including your home, work, or a friend or family member's address.
- Also write your telephone number, fax number, or a number where the court can leave a message for you.

**C. Attorney for:**
- If you don't have a lawyer, write "in pro per." This tells the judge that you will be filing your papers without a lawyer.

**D. Superior Court of California, County of:**
- Ask the clerk of your court for this information, including your court's address. Your court may have preprinted this information.

**E. Person to be protected:**
- The name of the person who filed the *Application and Declaration for Order*.
- You will have to write this information at the top of every page of this form.

**F. Person to be restrained:**
- Your name, exactly the way it appears on the *Application and Declaration for Order* form. Always use the same name when you complete any form.

**G. Other litigation:**
- You will have to write this information at the top of every page of this form.
- Only check these boxes if you are a party to another case with the person to be protected (for example, divorce, child support, parentage, juvenile). If this domestic violence case is your only case, leave the boxes blank.
- If you are the person who filed the other case, check "Petitioner" (plaintiff) next to your name and "Respondent" (defendant) next to the name of the person to be protected. If the person to be protected filed the other case, check "Respondent" next to your name and "Petitioner" next to the name of the person to be protected.

**H. Case number:**
- Always use the same case number as the one the clerk wrote on the *Application and Declaration for Order*.
- Write this information at the top of each page.

**I. Hearing date, time, dept., room, or division:**
- Use the same information that is on the first page of the *Order to Show Cause and Temporary Restraining Order*.
- The restraining order against you is valid at least until this date. Do not violate the order.

**J. Response:**
- Check the boxes to respond to each point in the *Application and Declaration for Order* that was filed against you.

**K. 1. Personal Conduct Restraining Order:**
- Check the appropriate box if you agree or object to stop doing all the things listed in the *Application and Declaration*, item 7.

**L. 2. Residence Exclusion Order:**
- Check the appropriate box if you agree or object to move out of the address listed in the *Application and Declaration*, item 8.

**M. 3. Stay-Away Order:**
- Check the appropriate box if you agree or object to stay away from the person(s) or place(s) described in the *Application and Declaration*, item 9.

**N. 4. Child Custody:**
- Check box 4a if you agree to the custody arrangement set out in the *Child Custody, Visitation and Support Attachment*, item 1a.
- If you do not agree to the custody arrangement, check box 4b and explain the arrangement that you want.

**O. 5. Child Visitation:**
- Check box 5a if you agree to the visitation schedule set out in the *Child Custody, Visitation and Support Attachment*, item 1b.
- If you do not agree to the visitation, check box 5b and explain the schedule that you want.

**P. 6. Child Support:**
- Check the appropriate box if you agree or object to the child support arrangement set out in the *Child Custody, Visitation and Support Attachment*, item 2.

**Q. 7. Property control:**
- Check the appropriate box if you agree or object to the temporary property arrangement set out in the *Application and Declaration*, item 12.

**R. 8. Attorney fees:**
- Check the appropriate box if you agree or object to the attorney fees arrangement set out in the *Application and Declaration*, item 13.

A B C D E F G H I J K L M N O P Q R

DV-120

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, state bar number, and address)*:

TELEPHONE NO. *(Optional)*: FAX NO. *(Optional)*:
E-MAIL ADDRESS *(Optional)*:
ATTORNEY FOR *(Name)*:

*FOR COURT USE ONLY*

SUPERIOR COURT OF CALIFORNIA, COUNTY OF
STREET ADDRESS:
MAILING ADDRESS:
CITY AND ZIP CODE:
BRANCH NAME:

PERSON TO BE PROTECTED: ☐ PETITIONER/PLAINTIFF ☐ RESPONDENT/DEFENDANT

PERSON TO BE RESTRAINED: ☐ PETITIONER/PLAINTIFF ☐ RESPONDENT/DEFENDANT

**RESPONSIVE DECLARATION TO ORDER TO SHOW CAUSE**
**(Domestic Violence Prevention)**

| HEARING DATE | TIME | DEPT., ROOM or DIVISION | CASE NUMBER: |
|---|---|---|---|
| | | | |

- *This response will be considered by the judge at the court hearing. You must still obey the orders granted until the hearing.*
- *You may ask the court to make orders you request, including restraining orders. You must appear at the court hearing to give the court evidence about orders you request.*
- *If you do not appear at the court hearing, the court may grant the requested orders, which may last up to three years without further notice to you.*
- *You will be ordered to relinquish any firearms and any ammunition. Possession of a firearm may subject you to a fine and imprisonment.*

I respond to the *Application and Declaration for Order (Domestic Violence Prevention) as follows*:

1. ☐ PERSONAL CONDUCT RESTRAINING ORDER
   I ☐ do ☐ do not consent to the order requested.
2. ☐ RESIDENCE EXCLUSION AND RELATED ORDER
   I ☐ do ☐ do not consent to the order requested.
3. ☐ STAY-AWAY ORDER
   I ☐ do ☐ do not consent to the order requested.
4. ☐ CHILD CUSTODY
   a. ☐ I consent to the custody order requested.
   b. ☐ I request the following custody order *(specify)*:
5. ☐ CHILD VISITATION
   a. ☐ I consent to the visitation order requested.
   b. ☐ I request the following visitation order *(specify)*:
6. ☐ CHILD SUPPORT
   I ☐ do ☐ do not consent to the order requested.
7. ☐ PROPERTY CONTROL
   I ☐ do ☐ do not consent to the order requested.
8. ☐ ATTORNEY FEES
   I ☐ do ☐ do not consent to the order requested.

(Continued on reverse)

Form Adopted for Mandatory Use Judicial Council of California DV-120 [Rev. January 1, 2001]

**RESPONSIVE DECLARATION TO ORDER TO SHOW CAUSE**
**(Domestic Violence Prevention)**

Family Code, § 6200 et seq.

**S. 9. Restitution:**

- Check the appropriate box if you agree or object to restitution as requested in the *Application and Declaration*, item 15.

**T. 10. Counseling:**

- Check the appropriate box if you agree or object to attend counseling as requested in the *Application and Declaration*, item 16 (Batterer's Treatment).

**U. 11a. Firearm relinquishment:**

- Check the appropriate box if you agree or object to relinquish firearms as requested in the *Application and Declaration*, item 11.
- If you have any special circumstances, explain them here.
- The court will require that you relinquish your firearm at the hearing except under certain circumstances.

**V. 11b. Firearm relinquishment:**

- Check the appropriate box if you have already relinquished your firearms as requested in the *Application and Declaration*, item 11, or ordered in the *Temporary Restraining Order*, item 7.
- Check the appropriate box if you already filed a receipt with the court. If you have not yet filed the receipt, attach it to this *Declaration* and check the box saying the receipt is attached.

**V. 12. Recording of communications:**

Check the appropriate box if you agree or object to the orders requested in the *Application and Declaration*.

**W. 13. Other orders:**

Check the appropriate box if you agree or object to the other orders requested in the *Application and Declaration*, item 21.

**Y. 14. Fees and expenses:**

- Check box 14a if you want the court to order that the person who requested the restraining orders pay for your lawyer's fees if you win.
- Check box 14b <u>only</u> if you were not notified of the hearing where the temporary restraining order was granted, and you are claiming expenses from the temporary restraining order, <u>and</u> you believe the court did not have enough evidence to grant the order. List the losses you are claiming.
- Be sure you have records to support these claims and bring the records to your hearing.
- Your losses must be the direct result of the temporary restraining order.
- If you are requesting any fees, you must complete an *Income and Expense Declaration.*

**Z. 15. Additional orders:**

- This space is where you can ask for orders you may need. Please be specific and list each order separately. In item 16, below (or in an attached *Declaration*), list the reasons why you need each order.

**AA. 16. Supporting information:**

- If you do not agree to one or several of the orders requested, this is where you can explain why.
- If you need more space, check the appropriate box and attach your separate *Declaration* to this form (and to all copies).

**BB. Date:**

- The date you sign. THIS IS VERY IMPORTANT.

**CC. Type or print name:**

- Type or print your name here.

**DD. Signature:**

- Sign here. THIS IS VERY IMPORTANT. YOUR FORMS WILL NOT BE PROCESSED IF YOU DO NOT SIGN THEM.

E F H

| PERSON TO BE PROTECTED *(name)*: | CASE NUMBER: |
|---|---|
| PERSON TO BE RESTRAINED *(name)*: | |

S

9. ☐ RESTITUTION
I ☐ do ☐ do not consent to the order requested.

T

10. ☐ COUNSELING
I ☐ do ☐ do not consent to the order requested.

U

11. ☐ FIREARM RELINQUISHMENT
a. I ☐ do ☐ do not consent to the order requested.

V

b. I ☐ have ☐ have not relinquished my firearms to a local law enforcement agency or licensed gun dealer.
A copy of the receipt ☐ is attached. ☐ has previously been filed. (A receipt must be *filed with* the court *within 72* hours after receiving the order.)

W

12. ☐ RECORDING OF COMMUNICATIONS
I ☐ do ☐ do not consent to the order requested.

X

13. ☐ OTHER ORDERS (see item 21 of the Application and Declaration for Order, Form DV-100)
I ☐ do ☐ do not consent to the order requested.

Y

14. ☐ I request the court to order payment of my
a. ☐ attorney fees if I win.
b. ☐ out-of-pocket expenses incurred as the result of an ex parte temporary restraining order issued without sufficient supporting facts. The expenses are:

Item Amount

Z

15. ☐ I request the following additional orders:

AA

16. ☐ SUPPORTING INFORMATION
☐ contained in the attached declaration

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

DD

BB

Date:

CC

(TYPE OR PRINT NAME) (SIGNATURE)

DV-120 [Rev. January 1, 2001] **RESPONSIVE DECLARATION TO ORDER TO SHOW CAUSE (Domestic Violence Prevention)** Page two