

Starting Your Domestic Violence Restraining Order

These forms can be used to ask the court to make orders to protect you and your children or other household members if there has been domestic violence.

Some examples of domestic violence are physical violence such as hitting, shoving, grabbing, and restraining movement, or threats with a past history of physical violence.

If you or your children or other family members are victims of domestic violence by your spouse, father, mother, brothers or sisters or a boyfriend or girlfriend, you can use these forms to ask the court to give you a temporary restraining order keeping the violent person away from you and your children.

The temporary restraining order is usually granted for 25 days pending a hearing. The Temporary Restraining Order can keep the violent person away from you, your children, other household members, and also grant temporary custody orders.

At the hearing the court may make a 3-year order keeping the violent person away from you and your children and may make permanent custody, visitation and support orders.

This packet includes a **“Temporary Restraining Order and Notice of Hearing”** [DV-110], **“Child Custody and Visitation Order”** [DV-140], a **“No Travel with Children Order** [DV-145], a **“Request for Order”** [DV-100] a **“Description of Abuse”** [DV 101], an **“Additional Page”** [MC 020] a **“Child Custody, Visitation and Support Request”** [DV 105], a **“Request for Order: No Travel With Children”** [DV 108] a **“Proof of Service (In Person”** [DV 200], a **“Request and order for Free Service of Restraining Order”**[DV 290] and a blank **“Answer to Temporary Restraining Order”** [DV 120] along with instructions for completing the forms.

NOTE: The Family Law Facilitator can review your documents and assist you in correcting any mistakes before you submit your forms to the court.

Clerk stamps date here when form is filed.

1 Name of person asking for protection (protected person):

Protected person's address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):

City: State: Zip:

Telephone number:

Protected person's lawyer (if any): (Name, address, telephone number, and State Bar number):

Fill in court name and street address:

Superior Court of California
County of Fresno
1100 Van Ness Avenue
Fresno, CA 93724-0002

Fill in case number:

Case Number:

2 Restrained person's name:

Description of that person: Sex: M F Height:

Weight: Race: Hair Color:

Eye Color: Age: Date of Birth:

3 List the full names of all family or household members protected by this order:

4 Court Hearing Date (Fecha de la Audiencia)

Clerk will fill out section below.

Hearing Date box with fields for Date, Time, Dept., Rm., and Name and address of court if different from above.

To the person in 2: At the hearing, the judge can make restraining orders that last for up to 5 years. The judge can also make other orders about your children, child support, spousal support, money, and property.

Para la persona nombrada en 2: En esta audiencia el juez puede hacer que la orden de restricción sea válida hasta un máximo de 5 años. El juez puede también hacer otras órdenes acerca de niños, manutención, dinero y propiedad.

To the person in 1: At the hearing, the judge will consider whether denial of any orders will jeopardize your safety and the safety of children for whom you are requesting custody, visitation, and child support.

5 Temporary Orders (Ordenes Temporales)

Any orders made in this form end at the time of the court hearing in 4, unless a judge extends them.

Read this form carefully. All checked boxes and items 10 and 11 are court orders.

Todas las órdenes hechas en esta formulario terminarán en la fecha y hora de la audiencia en 4, al menos que un juez las extienda. Lea este formulario con cuidado. Todas las casillas marcadas y los artículos 10 y 11 son órdenes de la corte.

This is a Court Order.



Your name: _____

6 **Personal Conduct Orders**

The person in **(2)** must *not* do the following things to the protected people listed in **(1)** and **(3)**:

- a. Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, or block movements
- b. Contact (either directly or indirectly), or telephone, or send messages or mail or e-mail
 - Except for brief and peaceful contact as required for court-ordered visitation of children unless a criminal protective order says otherwise
- c. Take any action, directly or through others, to get the addresses or locations of any protected persons or of their family members, caretakers, or guardians. *(If item c is not checked, the court has found good cause not to make this order.)*

Peaceful written contact through a lawyer or through a process server or another person in order to serve legal papers is allowed and does not violate this order.

- A criminal protective order on Form CR-160 is in effect. Case Number: _____
County *(if known)*: _____ Expiration Date: _____ *(If more orders, list them in item (16))*

7 **Stay-Away Order**

The person in **(2)** must stay at least _____ yards away from:

- a. The person listed in **(1)**
- b. The people listed in **(3)**
- c. Home Job Vehicle of person in **(1)**
- d. The children's school or child care
- e. Other *(specify)*: _____

8 **Move-Out Order**

The person in **(2)** must take only personal clothing and belongings needed until the hearing and move out immediately from *(address)*: _____

9 **Child Custody and Visitation Order**

- a. You and the other parent must make an appointment for court mediation *(address and phone number)*: _____
- b. Follow the orders listed in Form DV-140, which is attached.

10 **No Guns or Other Firearms or Ammunition**

The person in **(2)** cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, firearms, or ammunition.

11 **Turn in or sell guns or firearms.**

The person in **(2)**:

- Must sell to a licensed gun dealer or turn in to police any guns or firearms that he or she has or controls. This must be done within 24 hours of being served with this order.
- Must bring a receipt to the court within 48 hours of being served with this order, to prove that guns and firearms have been turned in or sold.

12 **Property Control**

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

This is a Court Order.

Your name: _____

13 **Property Restraint**

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

14 **Unlawful communications may be recorded.**

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

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

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

16 **Other Orders** *(specify):* _____

17 If the judge makes a restraining order at the hearing, which has the same orders as in this form, the person in ② will get a copy of that order by mail at his or her last known address. *(Write restrained person’s address here):*

If this address is not correct, or to know if the orders were made permanent, contact the court.

18 **Time for Service**

A To: Person Asking for Order

Someone 18 or over—**not you or the other protected people**—must personally “serve” a copy of this order to the restrained person at least _____ days before the hearing.

B To: Person Served With Order

If you want to respond in writing, someone 18 or over—**not you**—must “serve” Form DV-120 on the person in ①, then file it with the court at least _____ days before the hearing.

For help with Service or answering, read Form DV-210-INFO or DV-540-INFO.

Date: _____

▶ _____
Judge (or Judicial Officer)

Certificate of Compliance With VAWA

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

This is a Court Order.

Your name: _____

Warnings and Notices to the Restrained Person in 2**19 If you do not obey this order, you can be arrested and charged with a crime.**

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

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

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

21 After You Have Been Served With a Restraining Order

- Obey all the orders.
- If you want to respond, fill out Form DV-120. Take it to the court clerk with the forms listed in item 22.
- File DV-120 and have all papers served on the protected person by the date listed in item 18 of this form.
- At the hearing, tell the judge if you agree or disagree with the orders requested.
- Even if you do not attend the hearing, the judge can make the restraining orders last for 5 years.

22 Child Custody, Visitation, and Support

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

23 Requests for Accommodations

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

This is a Court Order.

Your name: _____

Instructions for Law Enforcement**24 Start Date and End Date of Orders**

The start date is the date next to the judge's signature on page 3. The orders end on the hearing date on page 1 or the hearing date on Form DV-125, if attached.

25 Arrest Required If Order Is Violated

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

26 Notice/Proof of Service

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

Consider the restrained person "served" (noticed) if:

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

27 If the Protected Person Contacts the Restrained Person

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

28 Child Custody and Visitation

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

29 Enforcing the Restraining Order in California

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

30 Conflicting Orders

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

Clerk's Certificate

[seal]

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

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

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

1 Protected person's name: _____ Mom Dad Other

2 Other parent's name: _____ Mom Dad Other

The Court Orders:

3 Child Custody is ordered as follows: Legal Custody to: (Person who makes decisions about health, education, etc. Check at least one.) Physical Custody to: (Person the child lives with. Check at least one.)

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

If more children, check here. Attach a sheet of paper and write "DV-140, Item 3 — Child Custody" at the top.

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

4 Child Visitation is ordered as follows:

a. No visitation to Mom Dad Other (name): _____

b. See the attached _____ - page document, dated: _____

c. The parties must go to mediation at: _____

d. Until the next court order, visitation for Mom Dad Other _____ will be:

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

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

(3) Other Visitation
Check here and attach a sheet of paper if there are other visitation days and times, like holidays, birthdays, sports events. List dates and times. Write "DV-140, Item 4 — Visitation" at the top.

5 Supervised Visitation — Follow orders on attached Form DV-150.

6 Responsibility for Transportation for Visitation
"Responsibility for transportation" means the parent will take or pick up the child or make arrangements for someone else to do so.

a. Mom Dad Other (name): _____ to the visits.

b. Mom Dad Other (name): _____ from the visits.

c. Drop-off / pick-up of children will be at (address): _____

This is a Court Order.

Protected person's name: _____

7 **Travel With Children** Mom Dad Other (*name*): _____ *must* have written permission from the other parent, or a court order, to take the children outside of:a. The State of Californiab. Other place(s) (*list*): _____**8** **Child Abduction**

There is a risk that one of the parents will take the children out of California without the other parent's permission. The orders in Form DV-145 are attached and must be obeyed. (*Fill out and attach DV-145 to this form.*)

9 **Other Orders**

Check here and attach any other orders to this form. Write "DV-140, Item 9 — Other Orders" on the orders.

10 **Jurisdiction**

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

11 **Notice and Opportunity to Be Heard**

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

12 **Country of Habitual Residence**

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

13 **Penalties for Violating This Order**

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

This is a Court Order.

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

1 Protected Person's name: _____ Mom Dad Other*

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

* If "Other," specify relationship with child: _____

3 The Court finds there is a risk that (name of parent): _____ might take the child without permission because that parent: (Check all that apply)

- a. Has violated — or threatened to violate — a custody or visitation order in the past.
 - b. Does not have strong ties to California
 - c. Has done things that make it easy for him or her to take the children without permission. He or she has (check all that apply)
 - Quit his or her job. Sold his or her home.
 - Closed a bank account. Ended a lease.
 - Sold or gotten rid of assets. Hidden or destroyed documents.
 - Applied for a passport, birth certificate, or school or medical records.
 - d. has a history of (check all that apply)
 - Domestic violence.
 - Child abuse.
 - not cooperating with the other parent in parenting.
 - Child abduction.
 - e. has a criminal record.
 - f. has family or emotional ties to another county, state or foreign country.
- Note: If "f" is checked, at least one other factor must be checked also.

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

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

5 Do not Move Without Permission of the Other Parent or Court Order
The parent in 3 must not move with the children without permission in writing from the other parent or a court order.

6 Do Not Travel Without Permission of the Other Person or Court Order
The parent in 3 must NOT travel with the children outside (check all that apply)
 this county California the United States Other (specify): _____

7 Notify Other State of Travel Restrictions
The parent in 3 must register this order in the state of _____ before the child can travel to that state for visits.

This is a Court Order.

Case Number: _____

Your name: _____

8 **Turn In and Do Not Apply for Passports or Other Vital Documents**
The parent in **3** must *not* apply for passports or other documents to (such as visas or birth certificates) that can be used for travel, and must turn in the following documents:

9 **Provide Itinerary and Other Travel Documents**
The parent in **3** must give the other parent the following before traveling with the children:
 The child's travel itinerary
 Copies of round-trip airline tickets
 Addresses and telephone numbers where the child can be reached
 An open airline ticket for the other parent in case the child is not returned
 Other (*specify*):

10 **Notify Foreign Embassy or Consulate of Passport Restrictions**
The parent in **3** must notify the embassy or consulate of: _____
of this order and provide the court with proof of that notification within _____ days.

11 **Foreign Custody and Visitation Order**
The parent in **3** must get a foreign custody and visitation order equivalent to the most recent U.S. order before the child can travel to that country for visits. The court recognizes that foreign orders may be changed or enforced according to the laws of that country.

12 **Enforcing the Order**
The court authorizes any law enforcement officer to enforce this order. In this county, contact the Child Abduction Unit of the Office of the District Attorney at:

13 **Other**

Notice to Authorities in Other States and Countries

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

Date: _____

JUDGE OR JUDICIAL OFFICER

This is a Court Order.

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of

Clerk fills in case number when form is filed.

Case Number:

1 Your name (person asking for protection):

Your address (*skip this if you have a lawyer*): (*If you want your address to be private, give a mailing address instead*):

City: _____ State: _____ Zip: _____

Your telephone number (*optional*): _____

Your lawyer (*if you have one*): (*Name, address, telephone number, and State Bar number*):

2 Name of person you want protection from:

Description of that person: Sex: M F Height: _____
Weight: _____ Race: _____ Hair Color: _____
Eye Color: _____ Age: _____ Date of Birth: _____

3 Besides you, who needs protection? (*Family or household members*):

Full Name	Age	Lives with you?	How are they related to you?
_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

Check here if you need more space. Attach Form MC-020 and write "DV-100, Item 3—Protected People" by your statement. NOTE: In any item that asks for Form MC-020, you can use an 8 1/2 x 11-inch sheet of paper instead.

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

- a. We are now married or registered domestic partners.
- b. We used to be married or registered domestic partners.
- c. We live together.
- d. We used to live together.
- e. We are relatives, in-laws, or related by adoption (*specify relationship*): _____
- f. We are dating or used to date.
- g. We are engaged to be married or were engaged to be married.
- h. We are the parents together of a child or children under 18:
 Child's Name: _____ Date of Birth: _____
 Child's Name: _____ Date of Birth: _____
 Child's Name: _____ Date of Birth: _____
- i. We have signed a Voluntary Declaration of Paternity for our child or children. (*Attach a copy if you have one.*)

Check here if you need more space. Attach Form MC-020 and write "DV-100, Item 4h" by your statement.

This is not a Court Order.



Your name: _____

5 Other Court Cases

- a. Have you and the person in ② been involved in another court case?
-
- No
-
- Yes

If yes, where? County: _____ State: _____

What are the case numbers? (If you know): _____

What kind of case? (Check all that apply):

- Registered Domestic Partnership Divorce/Dissolution Parentage/Paternity Legal Separation
 Domestic Violence Criminal Juvenile Child Support Nullity Civil Harassment
 Other (specify): _____

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

 No Yes *If yes, attach a copy if you have one.***What orders do you want? Check the boxes that apply to your case.** **6 Personal Conduct Orders**

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

- a. Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, or block movements
b. Contact (either directly or indirectly), or telephone, or send messages or mail or e-mail

*The person in ② will be ordered not to take any action to get the addresses or locations of any protected person, their family members, caretakers, or guardians unless the court finds good cause not to make the order.***7 Stay-Away Order**

I ask the court to order the person in ② to stay at least _____ yards away from (check all that apply):

- a. Me
b. The people listed in ③
c. My home
d. My job or workplace
e. The children's school or child care
f. My vehicle
g. Other (specify): _____

If the person listed in ② is ordered to stay away from all the places listed above, will he or she still be able to get to his or her home, school, job, or place of worship? Yes No (If no, explain): _____**8 Move-Out Order**

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

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

9 Child Custody, Visitation, and Child SupportI ask the court to order child custody, visitation, and/or child support. *You must fill out and attach Form DV-105.***10 Spousal Support***You can make this request only if you are married to, or are a registered domestic partner of, the person in ② and no spousal support order exists. To ask for spousal support, you must fill out, file, and serve Form FL-150 before your hearing.***This is not a Court Order.**

Your name: _____

11 **Record Unlawful Communications**I ask for the right to record communications made to me by the person in **(2)** that violate the judge's orders.**12** **Property Control**I ask the court to give *only* me temporary use, possession, and control of the property listed here:
_____**13** **Animals: Possession and Stay-Away Order**I ask for the sole possession, care, and control of the animals listed below. I ask the court to order the person in **(2)** to stay at least _____ yards away from and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of the following animals: _____
_____I ask for the animals to be with me because: _____
_____**14** **Debt Payment**I ask the court to order the person in **(2)** to make these payments while the order is in effect: *Check here if you need more space. Attach Form MC-020 and write "DV-100, Item 14—Debt Payment" by your statement.*

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

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

15 **Property Restraint**I am married to or have a registered domestic partnership with the person in **(2)**. I ask the judge to order that the person in **(2)** not borrow against, sell, hide, or get rid of or destroy any possessions or property, except in the usual course of business or for necessities of life. I also ask the judge to order the person in **(2)** to notify me of any new or big expenses and to explain them to the court.**16** **Attorney Fees and Costs**I ask that the person in **(2)** pay some or all of my attorney fees and costs.*You must complete and file Form FL-150, Income and Expense Declaration.***17** **Payments for Costs and Services**I ask that the person in **(2)** pay the following:*You can ask for lost earnings or your costs for services caused directly by the person in **(2)** (damaged property, medical care, counseling, temporary housing, etc.). You must bring proof of these expenses to your hearing.*

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

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

18 **Batterer Intervention Program**I ask the court to order the person listed in **(2)** to go to a 52-week batterer intervention program and show proof of completion to the court.**19** **No Fee to Serve (Notify) Restrained Person***If you want the sheriff or marshal to serve (notify) the restrained person about the orders for free, ask the court clerk what you need to do.***This is not a Court Order.**

Case Number: _____

Your name: _____

20 **More Time for Notice**

I need extra time to notify the person in **(2)** about these papers. Because of the facts explained on this form, I want the papers served up to _____ days before the date of the hearing. *For help, read Form DV-210-INFO. If necessary, add additional facts:* _____

21 **Other Orders**

What other orders are you asking for? _____

Check here if you need more space. Attach Form MC-020 and write "DV-100, Item 21—Other Orders" by your statement.

22 **Guns or Other Firearms**

I believe the person in **(2)** owns or possesses guns or firearms. Yes No I don't know

*If the judge approves the order, the person in **(2)** will be required to sell to a gun dealer or turn in to police any guns or firearms that he or she owns or possesses.*

23 Describe the most recent abuse.

a. Date of most recent abuse: _____

b. Who was there? _____

c. What did the person in **(2)** do or say that made you afraid?

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

f. Did the police come? No Yes

If yes, did they give you an Emergency Protective Order? Yes No I don't know

Attach a copy if you have one.

Check here if you need more space. Use Form MC-020 and write "DV-100, Item 23—Recent Abuse" by your statement.

*Check here if the person in **(2)** has abused you (or your children) other times. Use Form DV-101 or Form MC-020 to describe any previous abuse.*

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

Date: _____

Type or print your name

▲

Sign your name

This is not a Court Order.

SHORT TITLE: _____	CASE NUMBER:
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(Required for verified pleading) The items on this page stated on information and belief are *(specify item numbers, not line numbers)*:

This page may be used with any Judicial Council form or any other paper filed with the court.

Page _____

SHORT TITLE: _____	CASE NUMBER: _____
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(Required for verified pleading) The items on this page stated on information and belief are *(specify item numbers, not line numbers)*:

This page may be used with any Judicial Council form or any other paper filed with the court.

Page _____

[X] This form is attached to DV-100, Item 9.

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

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

3 Change of Current Court Orders

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

Explain your current order and why you want a change. Then skip to 5 and finish the form. If you do not want a change, skip to 4 and finish the form.

4 [] I want to keep my current child custody court order without any changes. If there are no court orders for custody, you cannot check this box. If you check this box, skip the rest of this form. If you have a copy of the current court order, attach it.

5 Child Custody

I ask the court for custody as follows:

Legal Custody to: (Person who makes decisions about health, education, etc. Check at least one.) Physical Custody to: (Person the child lives with. Check at least one.)

Table with 8 columns: Child's Name, Date of Birth, Mom, Dad, Other*, Mom, Dad, Other*. Rows a, b, c.

[] If more children, check here. Attach a sheet of paper and write "DV-105, Item 5 — Child Custody" by your request.

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

6 Child's Address

Where has the child in 5a lived for the last 5 years? Give each address unless it is private. Start with where the child lives now and work backwards in time.

Child 5a's addresses:

Child 5a lived with:

Mom Dad Other* Dates lived there:

Table with 4 columns: Mom, Dad, Other*, Dates lived there. Rows for addresses.

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

7 Other Children's Addresses

[] Check here if the other child's (or children's) address information is the same as listed in 6.

[] If it is different, check here. Attach a sheet of paper and write "DV-105, Item 7 — Other Children's Addresses" by your list. List other children's address information, including dates, and name of person child lived with.

This is not a Court Order.



Your name: _____

8 Other custody case?

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

 No Yes *If yes, fill out below:*

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

- b. Type of case: Divorce Guardianship Adoption Juvenile Other (*specify*): _____
- c. I was a Witness Party Other (*specify*): _____
- d. Court (*name*): _____
Address: _____ City: _____ State: _____
- e. Date of court order: _____

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

_____ Has custody Claims custody rights Claims visitation rightsFor these children (*name of each child*):

_____ Check here if you need more space. Attach a sheet of paper and write "DV-105, Item 9" by your statement.**10 Visitation**I ask the court to order that the person in **2** have the following temporary visitation rights:*(Check all that apply)*

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

(1) **Weekends** (*starting*): _____ (*The 1st weekend of the month is the 1st weekend with a Saturday.*) 1st 2nd 3rd 4th 5th weekend of monthfrom _____ at _____ a.m. p.m. to _____ at _____ a.m. p.m.
(*day of week*) (*time*) (*day of week*) (*time*)(2) **Weekdays** (*starting*): _____from: _____ at _____ a.m. p.m. to _____ at _____ a.m. p.m.
(*day of week*) (*time*) (*day of week*) (*time*)(3) **Other Visitation***Attach a sheet of paper with other visitation days and times, like holidays, birthdays, sports events. List dates and times. Write "DV-105, Item 10 — Visitation" by your statement.***This is not a Court Order.**

Your name: _____

11 **Supervised Visitation**a. I ask that the visitation in **10** be supervised by *(write name and telephone number)*:

b. I ask that any costs for supervision be paid as follows:

Mom _____ % Dad _____ % Other *(name)* _____ %**12** **Responsibility for Transportation for Visitation***"Responsibility for transportation" means the parent will take or pick up the child or make arrangements for someone else to do so.*a. Mom Dad Other *(name)*: _____ **to** the visits.b. Mom Dad Other *(name)*: _____ **from** the visits.c. Drop-off / pick-up of children will be at *(address)*: _____

13 **Travel With Children** Mom Dad Other *(name)*: _____ **MUST** have written permission from the other parent, or a court order, to take the children outside of:a. The State of California.b. Other place(s) *(list)*: _____**14** **Child Abduction** I believe that there is a risk the other parent will take our child out of California without my permission.*If you check this box you must fill out and attach form DV-108.***15** **Child Support**a. I ask the court for child support. *You must fill out and file FL-150 or FL-155 before your hearing.*b. I now receive or have applied for TANF, Welfare, CalWORKS, or Medi-Cal.c. I already have a child support order, but I want it changed.**16** **Important!**

You must tell the court if you find out any other information about a custody case in any court for the children listed on this form.

This is not a Court Order.

This form is attached to DV-105, *Child Custody, Visitation, and Support Request*.

1 Your name: _____ Mom Dad Other*

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

* If "Other," specify relationship with child: _____

3 Do you think the other parent may take the child without your permission to:

a. Another county in California? Yes No *If "yes," what county?* _____

b. Another state? Yes No *If "yes," what state?* _____

c. A foreign country? Yes No *If "yes," what country?* _____

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

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

Explain:

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

The other parent: *(Check all that apply)*

a. Has violated — or threatened to violate — a custody or visitation order in the past.

b. Does not have strong ties to California

c. Has done things recently that make it easy for him or her to take the child away without permission. He or she has: *(Check all that apply)*

Quit his or her job

Sold his or her home

Closed a bank account

Ended a lease

Sold or gotten rid of assets

Hidden or destroyed documents

Applied for a passport, birth certificate, or school or medical records

d. Has a history of: *(Check all that apply)*

Domestic violence

Child abuse

Not cooperating with me in parenting

Child abduction

e. Has a criminal record

f. Please explain your answers to a–e:

This is not a Court Order.

Your name: _____

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

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

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

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

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

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

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

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

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

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

Date: _____

Type or print your name_____
*Sign your name***This is not a Court Order.**

Clerk stamps date here when form is filed.

- 1 Name of person who asked for the order (protected person):

- 2 Your name: _____
Your address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):

City: _____ State: _____ Zip: _____
Your telephone (optional): _____
Your lawyer (if you have one): (Name, address, telephone number, and State Bar number):

Fill in court name and street address:

Superior Court of California, County of

Clerk fills in case number:

Case Number:

Give the judge your answers to DV-100:

- 3 **Personal Conduct Orders**
I do do not agree to the order requested.
- 4 **Stay-Away Order**
I do do not agree to the order requested.
- 5 **Move-Out Order**
I do do not agree to the order requested.
- 6 **Child Custody**
 - a. I do do not agree to the custody order requested.
 - b. I am not the parent of the child listed in DV-105.
 - c. I ask for the following custody order (specify):

 - d. I do do not agree to the orders requested to prevent child abduction.

The judge can consider your Answer at the hearing. Write your hearing date and time here:

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

You must obey the orders until the hearing.
If you do not come to this hearing, the judge can make the orders last for 3 years or longer.

- 7 **Visitation**
 - a. I do do not agree to the visitation order requested.
 - b. I ask for the following visitation order (specify): _____

- 8 **Child Support**
 - a. I do do not agree to the order requested.
 - b. I agree to pay guideline child support.
You must fill out, serve, and file Form FL-150 or FL-155.
- 9 **Spousal Support**
I do do not agree to the order requested.
Whether or not you agree, you must fill out, serve, and file Form FL-150.



Your name: _____

- 10** **Property Control**
 I do do not agree to the order requested.
If you have other requests, list them in 20 below.
- 11** **Debt Payment**
 I do do not agree to the order requested.
If you have other requests, list them in 20 below.
- 12** **Property Restraint**
 I do do not agree to the order requested.
If you have other requests, list them in 20 below.
- 13** **Attorney Fees and Costs**
 I do do not agree to the order requested.
- 14** **Payments for Costs and Services**
 I do do not agree to the order requested.
- 15** **Animals**
 I do do not agree to the order requested.
- 16** **Batterer Intervention Program**
 I do do not agree to the order requested.
- 17** **Other Orders** (see item 21 on Form DV-100)
 I do do not agree to the orders requested.
- 18** **Turn in guns or other firearms.**
 a. I do not own or have any guns or firearms.
 b. I have have not turned in my guns and firearms to the police or a licensed gun dealer.
 c. A copy of the receipt is attached. has already been filed with the court.
You must file a receipt with the court within 48 hours after being served with temporary orders.
- 19** **I ask the court to order payment of my**
 a. Attorney fees
 b. Out-of-pocket expenses because the temporary restraining order was issued without enough supporting facts. The expenses are:
 Item: _____ Amount: \$ _____ Item: _____ Amount: \$ _____
You must fill out, serve, and file Form FL-150.
- 20** **My Answer to the Statements in DV-100 and Other Requests**
Please attach your statement. Write "DV-120, Item 20—More Information" at the top. Be specific.
- 21** I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

Type or print your name

▶ _____
Sign your name

What is “service”?

There are many kinds of service—in person, by mail, and others. This form is about “in-person service.” The *Temporary Restraining Order* (Form DV-110) and the *Request for Order* (Form DV-100) must be served “in person.” That means someone—not you or anyone else protected by the order—must personally “serve” (give) the restrained person a copy of the forms. Service lets the other person know:

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



Who can serve?

Ask someone you know, a process server, or law enforcement to personally “serve” (give) a copy of the order to the restrained person. You **cannot** send it by mail.

The server must:

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

The sheriff or marshal is authorized to serve the orders for *free*, but you have to ask.

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

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



Don't serve it by mail!

How to Serve

Ask the server to:

- Walk up to the person to be served.
- Make sure it's the right person. Say the person's name: “Are you John Doe?” or “Hi, John Doe.”
- Give copies of all papers checked on Form DV-200.
- Fill out and sign the *Proof of Service* form (DV-200).
- Give the signed *Proof of Service* to you.

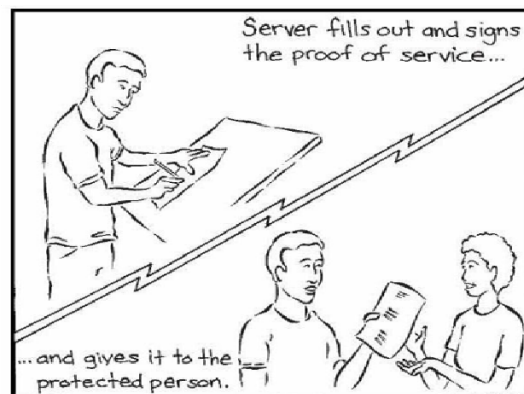


What if the person won't take the papers or tears them up?

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

Who signs the *Proof of Service*?

Only the person who serves the orders can sign the *Proof of Service*. You do not sign Form DV-200. The restrained person does not sign this form.



When do the orders have to be served?

It depends. To know the exact date, you have to look at two things on Form DV-110:

First, look at the hearing date on page 1 of Form DV-110. Next, look at the number of days written in (19) on page 3.

4 Court Hearing Date (Fecha de la Audie
Clerk will fill out section below.

Hearing Date	Date: _____	Time: _____
	Dept.: _____	Rm.: _____

To the person in (2): At the hearing, the judge can also make other orders about your children. If you want the orders against you, file and serve...

19 **Time for Service**

A To: Person Asking for Order
Someone 18 or over—**not you or the other protected people**—must personally “serve” a _____ days before the hearing.
For help with Service

Look at a calendar. Subtract the number of days in (19) from the hearing date. That’s the final date to have the orders served. It’s always OK to serve earlier than that date.

If nothing is written in (19), follow these rules:

- If the restrained person was notified that you asked for temporary orders, you have 15 days before the hearing.
- If the restrained person was not notified that you asked for temporary orders, you have 5 days before the hearing.

Why do I have to get the orders served?

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

What happens if I can’t get the orders served before the hearing date?

Before your hearing, fill out and file the *Reissue Temporary Restraining Order* (Form DV-125). This form asks the judge for a new hearing date and makes your orders last until then. Ask the clerk for the form.

You **must** attach a copy of Form DV-125 to a copy of your original order. That way, the police will know your orders are still in effect. And the restrained person will be served with notice of the new hearing date. For more information on getting a new hearing date, read Form DV-126-INFO.

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

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

- Make at least 5 copies.
- File the original *Proof of Service* (Form DV-200) with the court at least 2 days before your hearing.
- The clerk will send it to CLETS, a statewide computer system that lets police know about your order.
- Bring a copy of the *Proof of Service* to your hearing.
- Always keep an extra copy with you for your safety.

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

Clerk stamps below when form is filed.

Large empty rectangular box for clerk stamps.

Court name and street address:

Empty rectangular box for court name and street address.

Case Number:

Empty rectangular box for case number.

1 Protected person's name:

Horizontal line for protected person's name.

2 Restrained person's name:

Horizontal line for restrained person's name.

3 Notice to Server

You must:

- Be 18 or over.
- Not be listed on the restraining order.
- Give a copy of all documents checked in 4 to the restrained person in 2. (You cannot send them by mail.) Then sign this form and give or mail it to the protected person.



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

- a. DV-110 with DV-100 and a blank DV-120 (Temporary Restraining Order and Notice of Hearing; Request for Order; blank Answer to Temporary Restraining Order)
- b. DV-105 and DV-140 (Child Custody, Visitation, and Support Request; Child Custody and Visitation Order)
- c. FL-150 with a blank FL-150 (Income and Expense Declaration)
- d. FL-155 with a blank FL-155 (Simplified Financial Statement)
- e. DV-125 (Reissue Temporary Restraining Order)
- f. DV-130 (Restraining Order After Hearing)
- g. Other (specify): _____

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

- a. Date: _____
- b. Time: _____ a.m. p.m.
- c. At this address: _____

6 Server's Information

Name: _____

Address: _____

Telephone: _____

(If you are a process server):

County of registration: _____ Registration number: _____

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

Date: _____

Type or print server's name



Server to sign here