

# Information for Victims of Domestic Violence

## TYPES OF RESTRAINING ORDERS

### 1. EMERGENCY PROTECTIVE ORDER [EPO]

The EPO is good for 5 work days. The police or sheriff grants it at the time of the incident. The EPO can include orders for custody, residence kick-out orders, or stay away orders. The person seeking protection must be in immediate or present danger of violence or threat of serious harm must have been made towards the victim or family members. An EPO is free and a Judge authorizes the officer to issue it.

### 2. DOMESTIC VIOLENCE RESTRAINING ORDER (DV-TRO) Family Law

The initial Temporary Restraining Order is usually granted for 25 days (or until the hearing) and can include custody, use of car or home, stay away order and/or kick-out orders. In most cases the abuser is not granted any visitation until the time of the hearing. DV-TRO's must be served on the other party personally at least five days before the hearing, and a "Proof of Service" filed with the court before the court date. A copy of the Domestic Violence Restraining Order must be on file with the Sheriff's Office for the order to be enforced.

Any copies of EPO's, DV Police Reports, or medical records concerning the Domestic Violence should be attached to the initial papers and filed as Exhibits to help prove the domestic violence has occurred. [Family Code §6228 gives domestic violence victims the right to obtain, free of charge, a copy of all domestic violence incident reports upon request].

There are currently three places that help review, and possibly prepare, DV-TRO's free of charge. They are:

1. **Family Law Facilitator's Office**, (559) 497-6500, 255 N. Fulton Avenue, #106, Fresno, CA.

2. **Central California Legal Services**, (559) 570-1200, 1999 Tuolumne St., #700, Fresno CA.
3. **Centro La Familia**, (559) 237-2961, 2014 E, Tulare Street, #717, Fresno, CA.

Both Central California Legal Services and Centro La Familia have Spanish speaking staff, however you must qualify as “low-income” to get help at these two offices. The Family Law Facilitator’s Office does not have any income limitations. Domestic Violence services at all 3 locations is free of charge, and there is no filing fee with the court for filing a request for a Restraining Order.

Recent acts or threats of violence against the victim or family members are required to have a Domestic Violence Restraining Order granted. These orders can include other family members. You must keep track of what happened and when. Police reports about acts or threats of violence are helpful but not required to obtain a Restraining Order. The court will not grant a restraining order if there are no recent acts of domestic violence (within 30 days).

The initial order is good until the time of the court hearing (25 days). You must attend the hearing to have the permanent restraining order granted. This will usually be good for three (3) years. Custody and visitation orders will be made if minor children are involved, and you may be referred to mediation for a custody/visitation recommendation after the hearing. The custody/visitation orders do not expire and will remain in effect until new orders are made. [Family Code §3044 creates a rebuttable presumption that no custody, either legal or physical, should be given to a person who is found to have committed domestic violence against the other parent, a child or sibling within the last five years].

If you are unable to have the abuser served with the initial restraining order at least 5 days before the hearing, you may need to have it extended for an additional 25 days but you must request and file for a “Reissuance” of the Restraining Order on or before the court date.

An “**Order After Hearing**” must be prepared and a copy filed with the court and sheriff for the restraining order to be in effect. The court will usually prepare this.

### 3. **CRIMINAL PROTECTIVE ORDER (CPO)**

A Criminal Protective Order is a restraining order that is granted by the judge at any hearing on a criminal domestic violence case against the violent person. You must let the District Attorney know that you want a Criminal Protective Order. This order can include provisions for “stay away” from you and your from children but it does not grant custody orders. The CPO is free and is good until the criminal case is dismissed. If the abuser is sentenced to probation, the Criminal Protective Order is good and may extend beyond the term of probation. You will be given a

copy of the Criminal Protective Order if you are at the court hearing. If not, a copy will be mailed to you. If the case is dismissed against the abuser, the Criminal Protective Order will be dismissed and the victim may seek a family law Restraining Order for protection, and to establish custody, visitation and other orders if needed.

Cooperation with the District Attorney in prosecuting the abuser for domestic violence is the best way to help the abuser get into and stay with batterer's accountability.

#### **4. CIVIL ORDER PREVENTING HARASSMENT**

This is a restraining order for parties not related by blood, marriage or an intimate relationship (e.g. neighbors, co-workers, etc.) Forms are available from the Superior Court Clerks Office on the 4<sup>th</sup> floor of the courthouse for a minimal charge, but there is no filing fee.

## **REFERRALS**

### **SAFETY PROGRAMS:**

#### **1. CONFIDENTIAL ADDRESS PROGRAM [a.k.a. "Safety At Home"]**

This is a free program to provide Domestic Violence Victims with confidential addresses. It is administered through the Fresno County Victim Witness Program in conjunction with the Secretary of State's Office. They forward your mail to you and use their address for all legal or personal needs. You can also apply for a \$2,000 relocation voucher and \$1,000 security voucher. Victim/Witness Services Center is located at 2220 Tulare Street, #1126, Fresno, CA and their phone number is 488-3425. You can also contact the State Office at their toll-free number 1 (877) 322-5227 if you live outside of the Fresno areas.

#### **2. VINE PROGRAM [Victim Information & Notification Everyday]**

This is a computer-based program that notifies the victim when the abuser has been released from jail or prison after an arrest. To register, call 1 (800) 491-5170.

### **SAFETY PROGRAMS:**

#### **1. CHILD SUPPORTIVE SERVICES**

There is no registration Fee but there is a \$15.00 exchange fee. The fee for Supervised Visitation is \$25.00 per hour. They are located at 4991 E. McKinley, #118, Fresno, CA. Their telephone number is (559) 453-6861.

#### **2. CHILD CUSTODY PROGRAM**

They are located at 350 Van Ness Avenue, Fresno, CA. Their telephone number is (559) 268-4227.

3. **COMPREHENSIVE YOUTH SERVICES**

They are located at 3795 E Shields, Fresno, CA. Some reduced-fee or free services may be available based upon income. Their telephone number is (559) 229-3561.

4. **CENTRO LA FAMILIA DE FRESNO**

They are Located at 2014 E. Tulare, #700, Fresno, CA Their telephone number is (559) 237-8530.

## **REFERRALS**

1. **DOMESTIC VIOLENCE=CHILD ABUSE.**

You are at risk for having your children removed from your custody if you remain in a violent, abusive relationship. You could be charged with failure to protect them.

2. No one with a restraining order against them can own, possess or purchase a gun. You should tell an officer issuing an EPO about any guns the abuser may own or possess and have them removed from the abuser's control.

3. It is very important to document any domestic violence and keep track of what happens and when.

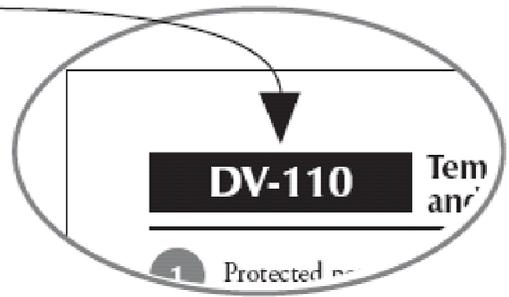
4. Both parents have equal rights to custody of minor children until there is a court order establishing custody and visitation. It is very important to protect your custody rights and obtain an order as soon as possible.

Look at the numbers at the top of your forms.

You can use this form as a checklist.

- 1 For a restraining order you need:
  - DV-100 *Request for Order*
  - DV-110 *Temporary Restraining Order and Notice of Hearing*
- 2 If you have children with the person you want protection from, you also need:
  - DV-105 *Child Custody, Visitation, and Support Request*
  - DV-140 *Child Custody and Visitation Order*
- 3 If you want child support or spousal support, you also need:
  - FL-150\* *Income and Expense Declaration* or
  - FL-155\* *Financial Statement (Simplified)*

\* Read *Which Financial Form—FL-155 or FL-150?* (Form DV-570) to know which one is right for you.
- 4 Ask the clerk if your county has special forms or rules. Fill out the forms. Then take them back to the court clerk.
- 5 Other forms you will need (*don't fill them out now*):
  - DV-120 *Answer to Temporary Restraining Order*
  - DV-130 *Restraining Order After Hearing (Order of Protection)*
  - DV-200 *Proof of Service (In Person)*



### 6 Need help?

The clerk has information sheets that can help you. Or you can get them at: [www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms)

- *Can a Domestic Violence Restraining Order Help Me?* (DV-500)
- *I Filled Out the Forms—What Now?* (DV-510)
- *What Is “Proof of Service”?* (DV-210)
- *Get Ready for Your Hearing (For Protected Person)* (DV-520)
- *How to Enforce Your Order* (DV-530)
- *Information for the Restrained Person* (DV-540)
- *Get Ready for Your Hearing (For Restrained Person)* (DV-550)
- *How to Reissue a Temporary Restraining Order* (DV-126)
- *How Can I Make the Order Permanent?* (DV-560)
- *Which Financial Form—FL-155 or FL-150?* (DV-570)

### 7 Need more help?

Ask the court clerk about free or low-cost legal help.

Or call the National Domestic Violence Hotline:

**1-800-799-7233**

**TDD: 1-800-787-3224**

It's free and private.

They can help you in more than 100 languages.

**What is a "domestic violence restraining order"?**

It is a court order that can help protect people from abuse.

**What is abuse?**

Abuse means to hit, kick, hurt, scare, throw things, pull hair, push, follow, harass, sexually assault, or threaten to do any of these things. Abuse can be spoken, written, or physical.

**Can I get a restraining order?**

You can ask for one if:

- A person has abused you *and*
- You have a close relationship with that person (married, divorced, separated, registered domestic partnership, dating or used to date, live together or used to live together\*), or you are related (parent, child, brother, sister, grandmother, grandfather, in-law)

\* You have to be more than just roommates.

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

If you do not qualify, there are other kinds of orders you can ask for:

- Civil harassment order (can be used for neighbors, roommates, and co-workers)
- Dependent adult or elder abuse restraining order

Ask the court clerk for the forms you need for these special kinds of orders. You may also want to talk to a lawyer.

**How soon can I get the order?**

The judge will decide whether or not to make the order within 24 hours of your request. Sometimes the judge decides sooner.

**How will the restraining order help me?**

It can order the restrained person to:

- Not contact or go near you, your children, other relatives, or others who live with you
- Not have a gun
- Move out of your house

**Other orders are available. The restraining order can also provide for:**

- Child custody and visitation orders
- Child support
- Spousal support

**How long does the order last?**

The first (temporary) order lasts until your next court date. At that time, the judge will decide to continue or cancel the order. The order issued at that hearing could last for up to 5 years. Child custody, visitation, and support orders last longer. Child custody, visitation, and support orders can last until the child turns 18.

**How much does it cost?**

Nothing.

**What if I don't have a green card?**

You can still get a restraining order. If you are worried about deportation, talk to an immigration lawyer.

**Do I have to go to court?**

Yes. Go to court on the date the clerk gives you. If you do not, your order will end.

**Do I need a lawyer?**

No. But it is a good idea, especially if you have children. Ask the court clerk about legal services and domestic violence help centers in your county. The clerk can also send you to the Family Law Facilitator for help with child support.

**Do I need to bring a witness to the court hearing?**

No. But it helps to have proof of the abuse. You can bring:

- A statement from a witness, made under oath
  - A witness
  - Photos
  - Medical or police reports
  - Damaged property
  - A threatening letter, an e-mail, or a telephone message
- The judge may or may not let a witness speak at the hearing.

**Will I see the restrained person at the hearing?**

If the restrained person comes to the hearing, yes. But that person does not have the right to speak to you. If you are afraid, tell the court officer. Read *Get Ready for Your Hearing (For Protected Person)* (Form DV-520-INFO).

**Can I bring someone with me to the court?**

Yes. You can bring someone to sit with you during the hearing. But that person cannot speak for you in court. Only you or your lawyer (if you have one) can speak for you.

**What if I don't speak English?**

When you file your papers, ask the clerk for a court interpreter. If the interpreter is not available for your court date, bring someone to interpret for you. Do not ask a child, or anyone protected by the order, to interpret for you.

**What if I am deaf or hard of hearing?****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](http://www.courtinfo.ca.gov/forms) for *Request for Accommodations by Persons With Disabilities and Response* (Form MC-410). (Civil Code, § 54.8.)

**How will the restrained person know about the order?**

Someone who is at least 18—not you or anyone else protected by the order—must “serve” (give) the restrained person with a copy of the order. The sheriff or marshal will do it for free, but you have to ask. For more help, ask the court clerk for Form DV-210-INFO.

**What if the restrained person doesn't obey the order?**

Call the police. The restrained person can be arrested and charged with a crime.

**Can I agree with the restrained person to cancel the order?**

No. Only the judge can change or cancel the order.

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

No. These forms will not end your marriage or registered domestic partnership. You must file other forms to end your marriage or registered domestic partnership. The court clerk can tell you where to get legal help.

**Can this order stop the other person from taking our children away?**

Yes. The judge can order the person named in the orders *not* to take the children out of California, or the county you live in, without your written agreement or another court order.

**What if I move?**

Your restraining order works anywhere in the United States. If you move out of California, contact your new local police so they will know about your orders. If you want to move with your minor children, you need the other parent's permission or a court order. (There are some exceptions. Talk to a lawyer.)

**Need more information?**

Ask the court clerk about free or low-cost legal help. Or call the National Domestic Violence Hotline:

**1-800-799-7233**

**TDD: 1-800-787-3224**

They can help you in more than 100 languages. It's free and private.

For help in your area, contact:

- 1 **Take your forms to the court clerk.** The clerk will give your forms to the judge. The judge will look at them and decide whether to make the order. Sometimes the judge will want to talk to you. If so, the clerk will tell you.
- 2 **Find out if the judge made the temporary restraining order.** Ask the clerk when to come back to see if the judge signed the order (Form DV-110). The judge must decide by the next business day. Check to see if the judge made any changes.
- 3 **“File” the judge’s order.** If the judge signs the order, the clerk will “file” it. The clerk will keep the original for the court and give you 5 “filed” copies. If you need more, make them yourself.

**What to do with your copies:**

- Keep 1 copy with you, always. You may need to show it to the police.
- Keep another copy in a safe place.
- Give a copy to anyone else protected by the order.
- Take copies to places where the restrained person is ordered not to go (school, work, daycare, etc.)
- Give a copy to the security officers in your apartment building and workplace.

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

4 **Know your hearing date.**

Look at Form DV-110 for the date and time of your hearing.

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

The order you have now only lasts for about 3 weeks.

**DV-110 Temporary Restraining Order and Notice of Hearing**

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): \_\_\_\_\_

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: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_  
 Dept.: \_\_\_\_\_ 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. File an answer on Form DV-120 before the hearing. At the hearing, you can tell the judge that you do not want the orders against you. Even if you do not attend the hearing, you must obey the orders.  
 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 otros órdenes acerca de niños, manutención, dinero y propiedad. Presente una respuesta en el formulario DV-120 antes de la audiencia. Si Usted se opone a estas órdenes, vaya a la audiencia y dígaselo al juez. Aunque no vaya a la audiencia, tiene que obedecer estas órdenes.

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. Safety concerns related to the financial needs of you and your children will also be considered.  
 Para la persona nombrada en (1): En esta audiencia el juez considerará si la denegación de cualquier orden pone en peligro su seguridad y la seguridad de los niños por los que solicita custodia, visitas y apoyo para los niños. Las preocupaciones relacionadas con las necesidades financieras de usted y sus hijos también serán consideradas.

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. Safety   
 Todos los órdenes hechos en este formulario terminarán en la fecha y hora de la audiencia en (4), al menos que un juez los extienda. Lea este formulario con cuidado. Todos los casillos marcados  y los artículos 10 y 11 son órdenes de la corte.

**This is a Court Order.**  
**Temporary Restraining Order and Notice of Hearing (CLETS—TRO)**  
 (Domestic Violence Prevention)

DV-110, Page 1 of 5



## 5 “Serve” the restrained person.

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

The server must:

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

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

Use Form CH-101/DV-290 to ask for free service.

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 the form lists all the forms served.

## 6 File your *Proof of Service* (Form DV-200).

The *Proof of Service* shows the judge and police that the restrained person got a copy of the order. Make 5 copies of the completed *Proof of Service*. Take the original and 5 copies to the court clerk as soon as possible **before your hearing**. The clerk will keep the original and give you back the copies stamped “Filed.” Bring a copy to your hearing.

Keep 1 copy with you and another in a safe place in case you need to show it to the police. Give the other copies out as you did in 3. The court will send your completed *Proof of Service* to law enforcement or CLETS for you. CLETS is a statewide computer system that lets police know about your order.

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

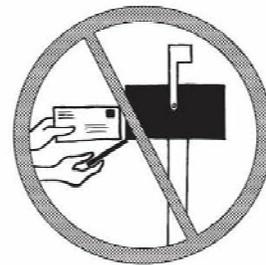
## 7 If the restrained person wasn’t served . . .

The restrained person **must** be served before the hearing. If the restrained person wasn’t served, fill out Form DV-125 to ask the judge for a new hearing date. Do this **before** or **at** your hearing. (If you wait until after the hearing, you have to start from the beginning.)

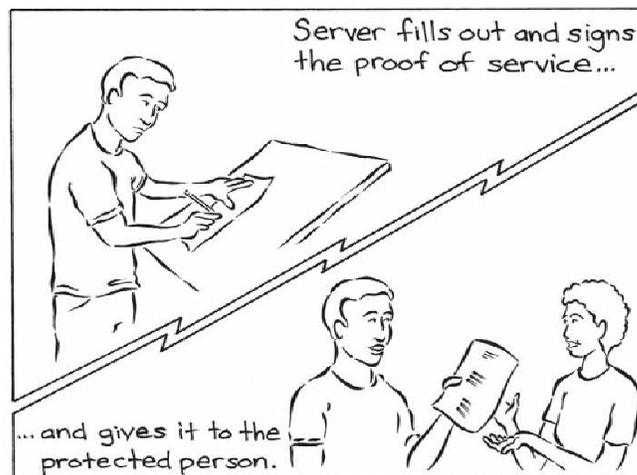
If the judge signs this order, the restraining order will last until the new hearing date.

- File the signed order (Form DV-125) with the clerk. The clerk will send it to law enforcement or CLETS for you.
- Attach it to your other court papers and get the restrained person served.
- If you didn’t file the original *Proof of Service*, bring it to your hearing.
- Bring a copy of Form DV-125 to your hearing.

After serving the orders, the server fills out and signs the *Proof of Service* and gives it to you.



*Don't serve by mail!*



**Be prepared.**

- Bring documents that support your case (police or medical reports, rental agreements or receipts, photos, bills, etc.). Bring 2 copies of all documents and filed forms, including the *Proof of Service*.
- You can bring a friend or relative (a “support” person), but that person must not talk for you in court.
- You can bring a witness to help support your case. Witnesses may or may not be permitted to testify. But you can bring a written statement of what the witness saw or heard. You must file and serve witness statements at the same time that you file Forms DV-100 and DV-110.
- Most courtrooms do not allow children. Ask if there is a children’s waiting room in the courthouse.

**Don't miss your hearing!**

If you miss it, the restraining orders will end and you will have to start from the beginning.

**Get there 30 minutes early.**

- Find the courtroom.
- When the courtroom opens, go in and tell the clerk or officer that you are present.
- If you are afraid of the restrained person, tell the officer.
- Watch the other cases so you will know what to do.
- When your name is called, go to the front of the courtroom.
- Your hearing may last just a few minutes or up to an hour or more. However, you may be at court several hours, depending on the number of other cases.

**What if you don't speak English?**

When you file your papers, tell the clerk you will need an interpreter. If a court interpreter is not available, bring someone to interpret for you. Do not ask a child, a protected person, or a witness to interpret for you.

**What if you are deaf or hard of hearing?****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](http://www.courtinfo.ca.gov/forms) for *Request for Accommodations by Persons With Disabilities and Order* (Form MC-410). (Civil Code, § 54.8.)

**Practice what you want to say.**

Make a list of the orders you want and practice saying them. Do not take more than 3 minutes to say what you want.

If you get nervous at the hearing, just read from your list. Use that list to see if the judge has made every order you asked for.

**The judge may ask questions.**

- Tell the truth. Speak slowly. You can read from your list.
- The restrained person or his or her lawyer may also ask you questions.
- Give complete answers.
- If you don't understand, say “I don’t understand the question.”
- If the restrained person lies in court, wait until he or she finishes talking. Then tell the judge.
- Speak only to the judge unless it is your turn to ask questions.
- When people are talking to the judge, wait for them to finish. Then you can ask them questions about what they said.

## The judge will decide.

- At the hearing, the judge will consider whether denial of any orders will risk your safety or the safety of children for whom you are requesting custody, visitation, or child support. The judge will also consider safety concerns about your financial needs and the children's.
- At the end of the hearing, the judge will say what the orders are.
- Make sure your Form DV-130 says what the judge has ordered. Sometimes the clerk fills out the form for you. If not, fill it out yourself. If you filled it out before the hearing, you may have to make changes.
- Review it and make sure you understand. If anything is wrong or missing, tell the clerk right away.
- If the judge makes the orders, the judge will sign your Form DV-130. Take it to the clerk to file it. The clerk will give you up to 5 copies.

## The judge may “continue” your case.

This means you have to come back another day. The judge can do this if:

- The restrained person needs time to get a lawyer or prepare an answer
- The judge wants more information
- Your hearing is taking longer than planned

Ask the judge to extend the temporary orders until the new hearing date.

Ask the clerk for the forms you need.

## What about child custody or visitation?

- If you need child custody or visitation orders, the judge will send you to mediation. Mediation helps parents agree on a plan for custody and visitation that is best for the children.
- If you are sent to mediation, the judge may make your restraining, custody, and visitation orders last until the next hearing or until another court order.
- Either parent can ask to meet with the mediator separately. You can bring a support person with you to mediation. A support person can provide emotional support but cannot speak for you.

## What happens after the hearing?

- Ask the clerk if the court will fill out Form DV-130 for you. If not, fill it out.
- If the judge makes the orders, go to the clerk and file Form DV-130. The clerk will send it to law enforcement or CLETS for you. CLETS is a statewide computer system that lets police know about the order.
- If the restrained person was at the hearing, you can have him or her served with a copy of Form DV-130 by mail. Ask the server to complete Form DV-250 and give it back to you after he or she mails Form DV-130.
- If the restrained person was not at the hearing, but the judge's orders are the *same* as the temporary order, you can have him or her served with a copy of DV-130 by mail. Ask the server to complete Form DV-250 and give it back to you.
- If the restrained person was not at the hearing, and the judge's orders are *different* from the temporary order, you must have someone serve Form DV-130 in person, not by mail. Ask the server to complete Form DV-200 and give it back to you.

## Remember: You and other protected people cannot serve the orders.

The sheriff or marshal will serve the orders for free. Ask the court clerk what you need to do.

**The judge may need to set your hearing for another day.**

This happens when:

- You were not able to get your temporary restraining order served *or*
- The other person asked for time to get a lawyer or prepare an answer *or*
- You need to meet with a Family Court mediator about child custody or visitation

**If your hearing gets changed to another day, follow these steps:**

- Fill out Form DV-125.
- Ask the judge to sign it and give you a new hearing date. In some courts, you must give your form to the clerk for the judge’s signature. Ask your court clerk for information on the local process.
- File the form with the clerk. The clerk will make 5 copies for you. Ask the clerk to stamp “Filed” on your copies.
- Attach 1 “filed” copy of Form DV-125 to your other court papers (Forms DV-100 and DV-110). Get them served on the restrained person. Do this right away. Now your orders will last until the new hearing date.
- The clerk will send your restraining order to law enforcement or CLETS for you. CLETS is a statewide computer system that lets police know about your order.
- Bring all your papers back to the next court hearing.

**Need help?**

Ask the court clerk about free or low-cost legal help.

Or call the National Domestic Violence Hotline:

**1-800-799-7233**

**TDD: 1-800-787-3224**

It’s free and private.

They can help you in more than 100 languages.

For help in your area, contact:

**DV-125 Reissue Temporary Restraining Order**

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: \_\_\_\_\_  
 Phone # (optional): \_\_\_\_\_  
 Protected person's lawyer (if any): (Name, address, phone #, and State Bar #): \_\_\_\_\_

2 Restrained person's name:  
 Description of that person: Sex:  M  F Ht: \_\_\_\_\_  
 Wt: \_\_\_\_\_ Race: \_\_\_\_\_ Eye Color: \_\_\_\_\_ Hair Color: \_\_\_\_\_  
 Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

3 I ask the judge to reissue the Temporary Restraining Order, Form DV-110.  
 a. The last hearing date was (date): \_\_\_\_\_  
 b. The order has been reissued \_\_\_\_\_ times.

4 I ask the judge to reissue the order because:  
 a.  I could not get the order served before the hearing date.  
 b.  The date of the hearing was changed because we were sent to mediators or other family court services.  
 c.  Other (specify): \_\_\_\_\_

5 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 a Court Order.**  
 Clerk will fill out section below

The order listed in  is reissued and reset for hearing in this court on the date and time below. Unless a judge extends the time, the order will end on the date and time below.  
 Hearing Date: Date: \_\_\_\_\_ Time: \_\_\_\_\_ Name & address of court if different from above:  
 Dept.: \_\_\_\_\_ Rm.: \_\_\_\_\_  
 All other orders in the Temporary Restraining Order stay in effect unless this order changes them.  
 Date: \_\_\_\_\_

Judge (or judicial officer) \_\_\_\_\_  
 Reissue Temporary Restraining Order  
 (Domestic Violence Prevention)

Judicial Council of California, www.courtinfo.ca.gov  
 Rev. July 1, 2009, Mandatory Form  
 Code of Civil Procedure, § 26109, Approved by DOJ  
 DV-125, Page 1 of 1

## Get copies.

Get copies of your restraining order and *Proof of Service* from the court clerk:

- Keep 1 copy with you, always. You may need to show it to the police.
- Keep another copy in a safe place.
- Give a copy to anyone else protected by the order.
- Take copies to places where the restrained person is ordered not to go (school, work, daycare, etc.).
- Give a copy to the security officers in your apartment building and workplace.

## If any problems, call the police.

Call the police *right away* if the restrained person violates any of the orders. Also:

- Write down what happened, when, where, and the names of any witnesses.
- Get copies of police reports.
- If you are hurt, get copies of medical reports.

Even if you haven't served the orders yet, call the police.

Show the police a copy of your orders. If the restrained person is there, ask the officer to serve the orders. If the officer serves the orders, he or she will send the *Proof of Service* to the court and CLETS for you.

CLETS is a statewide computer system that lets police know about your order.



*If you're in danger, call 911!*

## Police can arrest.

It is a crime to disobey the judge's orders.

The restrained person can:

- Be fined *or*
- Go to jail

Ask your local district attorney (D.A.) how he or she will handle your case. The D.A. may file criminal or contempt charges. You can always call the D.A. for information about a criminal case.

You can also file a civil contempt action. Ask the court clerk for forms.



## Guns

The restrained person cannot

- own
- have
- buy or try to buy

a gun or firearm while the order is in effect. If the person does, he or she can go to jail and pay a fine of \$1,000.

Penal Code section 11106 authorizes a law enforcement officer to give you information about any firearms the restrained person has registered, transferred, or sold. You may disclose the information as needed to protect yourself or someone else.