

# Santa Clara County Superior Court

Dissolution/Legal Separation/Nulity +  
Domestic Violence Protection Act forms  
(Restraining Order)

## Without Children

*(optional Spousal Support)*

***Updated 1/17/2024***



# How to file a Restraining Order + Divorce/Legal Separation/Nullity

(without minor children)

<b>Step 1</b>	<p><b>Complete the following forms</b> in blue or black ink:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Local form FM-1013 Declaration in Support of Ex Parte Application for Orders</li> <li><input checked="" type="checkbox"/> DV-109 Notice of Court Hearing (Domestic Violence Prevention)</li> <li><input checked="" type="checkbox"/> DV-110 Temporary Restraining Order (CLETS-TRO) (Domestic Violence Prevention)</li> <li><input checked="" type="checkbox"/> DV-100 Request for Domestic Violence Restraining Order</li> <li><input checked="" type="checkbox"/> FL-110 Summons</li> <li><input checked="" type="checkbox"/> FL-100 Petition—Marriage</li> <li><input checked="" type="checkbox"/> Local form FM-1050 Family Law Notice</li> <li><input checked="" type="checkbox"/> CLETS-001 Confidential CLETS Information</li> <li><input type="checkbox"/> FL-150 Income and Expense Declaration (if you are asking for spousal support)</li> </ul> <p><i>Only complete the next form if you are asking the Sheriff to serve your forms:</i></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> SER-001 Request for Sheriff to Serve Court Papers</li> </ul>
<b>Step 2</b>	<p><b>OPTIONAL - Review:</b> Bring your completed forms to the <b>Restraining Order Help Center</b> at 201 N. First Street, San Jose to have them reviewed to make sure they are filled out correctly.</p>
<b>Step 3</b> There is a filing fee, unless waived.	<p><b>File:</b> Turn in the forms to the <b>Clerk's Office</b> in the Courthouse located at:  <p style="text-align: center;"><b>201 North First Street, San Jose, CA 95113</b></p> <p style="text-align: center;">The Clerk's Office opens at 8:30am Monday-Friday, closing times are subject to change, visit <a href="http://www.scscourt.org">www.scscourt.org</a> or call <b>408-534-5600</b> for current office hours.</p> <p>If you are asking to <b>not</b> pay the divorce filing fee, complete an application for fee waiver.</p> </p>
<b>Step 4</b>	<p><b>Wait:</b> The Judge will read your forms and make a decision about your request for a restraining order. You will be asked to return the <b>next business day</b> to pick up your filed papers from the Court Specialist.</p> <p>They will give you a number, in Step 3 above, so you can search on the Court's website to see when your papers are ready and they will give you their number to call if you prefer to contact them that way. If you lose that slip contact the Court Specialist at 408-534-5600.</p>
<b>Step 5</b>	<p><b>Pick up:</b></p> <ul style="list-style-type: none"> <li>• When your forms are ready, go back to the <b>Clerk's Office</b> and pull a ticket for Restraining Order to pick them up. Your forms will <b>NOT</b> be mailed to you.</li> <li>• Once you pick up the forms you can look at them to see if the Judge granted a temporary restraining order that will last until your court date. There will also be a court date on the forms.</li> <li>• <b>Keep</b> for your records—1 filed copy. If your request is approved, the Clerk will give you extra copies of your Temporary Restraining Order. You want to keep a copy in locations where you are in case you need to show law enforcement a copy (car, work, home, etc.).</li> </ul>
<b>Step 6</b>	<p><b>Personal Service – deadline is 5 days before your court date:</b></p> <ul style="list-style-type: none"> <li>• “<i>Personal Service</i>” means: An adult (<b>NOT you or a protected person in the case</b>) must <b>hand-deliver</b> a filed copy of the forms in Step 1, a blank DV-120, FL-120, local form FM-1021, and local form FM-1047, to the Restrained Person.</li> <li>• Whoever serves the forms must complete form <b>FL-115 Proof of Service of Summons</b> and give it back to you. <b>File the original FL-115</b> and a copy at the Clerk's Office. The clerk will file stamp the copy and give it back to you. <b>Keep this copy for your records.</b></li> <li>• <b>If you did ask the Sheriff to serve your forms</b> the court will forward your forms to the Sheriff's office. You can contact the Sheriff's office at <b>(408) 808-4800</b> to see if they were able to serve. <b>Note: there is no guarantee that the Sheriff's will serve your forms. It will still be your responsibility to be sure personal service is completed.</b></li> </ul>
<b>Step 7</b>	<p><b>Go to your court date.</b></p>
<b>Step 8</b>	<p><b>Preliminary Declaration of Disclosures (PDDs):</b> You must complete your “Preliminary Declarations of Disclosure” (see next page).</p>

<b>Step 9</b>	<b>Divorce Case Review:</b> Once 30 days have passed from the date the other party was served and you have completed your PDDs, you may complete a Request for Review to Finalize online at <a href="http://www.scscourt.org">www.scscourt.org</a> , search "Divorce Case Review". If you do not have internet access, you may obtain a hard copy of the review form in the main lobby of the Family Justice Center Courthouse. The Self Help Center will review your file to determine the next steps in your case.
<b>NOTE</b>	<b>YOU WILL NOT AUTOMATICALLY BE DIVORCED, YOU MUST COMPLETE OTHER STEPS TO FINISH YOUR DIVORCE AND GET A JUDGMENT.</b>

## WHAT ARE THE IMPORTANT DEADLINES?

The court has important things you should do to keep your case on track. The first 2 are:

1. You should **serve your filed Petition and Summons on your spouse/partner within 60 days of filing.**
2. You should **file and serve your "Preliminary Declaration of Disclosure" within 60 days** of opening your case. The **Preliminary Declaration of Disclosures** are mandatory. There are two exceptions to this rule:
  - a. If you have a court order from the Judge that allows you serve by publication or posting.
  - b. If you have filed a Summons/Petition for Nullity only and have not asked for a divorce in the alternative.

In these two instances only, you do not have to complete the disclosure process.

For help with the disclosure forms, you can visit the Self Help Center's website at [www.scscourt.org](http://www.scscourt.org), click on "Complete Forms at Home" to obtain the form packet and sample. You may fill it out on your own or attend the Center's virtual online workshop. Visit [www.scscourt.org](http://www.scscourt.org), click on "Free & Low Cost Legal Help" then click "Self Help Workshops" for more information.

There are additional deadlines you can read about in the court's Local Rules and the California Rules of Court. You can find both Rules on our website ([www.scscourt.org](http://www.scscourt.org)) or at the Santa Clara County Law Library. If you do not follow the Rules and deadlines your case may be dismissed.

## WHAT IS A "CONTESTED" DIVORCE?

If your spouse/partner files a *Response* your case is considered a "contested" divorce. Don't be alarmed!! Your spouse/partner may file a *Response* even if you are in agreement about the terms of your divorce. Filing of a *Response* allows both parties to participate in the process and finish their case by agreement. Couples who are unable to reach agreement will get a final decision from the Judge at a Trial. For information regarding how to get temporary support and/or custody orders, please visit our website at [www.scscourt.org](http://www.scscourt.org). You may also contact us by phone or email (see below).

## WHAT DOES "DEFAULT" MEAN?

If your spouse/partner does not file a *Response* within 30 days of being served you can ask the court to let you finish the case without the participation of the other party. This is called "default". In some cases, couples decide to go this route because they are in agreement. In other cases, the other party ignores the process for various reasons or has lost contact. Please note that there are two steps to getting a default *Judgment*. First, you file a *Request to Enter Default*. If your *Request to Enter Default* is granted, you must submit a proposed *Judgment* for the Judge to review and sign. This *Judgment* can be based on a written agreement that you attach or, if no agreement, based on what you requested in your *Petition*.

## HOW LONG DOES IT TAKE TO FINISH THE DIVORCE?

You can be divorced 6 months and a day from the date your spouse was served with the divorce forms provided that a proof of service was filed, or 6 months from the date he/she filed a *Response*, whichever is earlier. However, you will not automatically be divorced after 6 months. Petitioner and/or Respondent must complete and file the necessary forms and documents to finish the case. For information regarding how to finish your case, complete a Request to Review to Finalize form online at [www.scscourt.org](http://www.scscourt.org) search "Divorce Case Review". If you do not have internet access, a hard copy of the review form is available in the main lobby of the Family Justice Center Courthouse.

## WHEN CAN I ASK FOR A DOMESTIC VIOLENCE RESTRAINING ORDER?

If you and the other party have a close relationship (ex. married, divorced, separated, dating or used to date, live together or used to live together), or are closely related (parent, child, brother, sister, grandmother, grandfather, in-laws), and the other party has been violent or threatened to be violent to you or there is a pattern of harassment towards you.

## HOW CAN I CHECK THE STATUS OF THE REQUEST FOR A RESTRAINING ORDER I JUST FILED?

When you file your restraining order forms the Court Specialist at the courthouse will give you a slip with instructions on how to find out if your forms are ready. However, if you lose that slip, you can call the courthouse where you filed your forms at (408) 534-5600.

## HOW LONG DOES THE RESTRAINING ORDER LAST?

The temporary restraining order will remain in effect until your court date which will usually be in about 3 weeks. During your court hearing, if the Judge grants your request the restraining order could last for up to 5 years. You may also request that the restraining order be granted for less than 5 years.

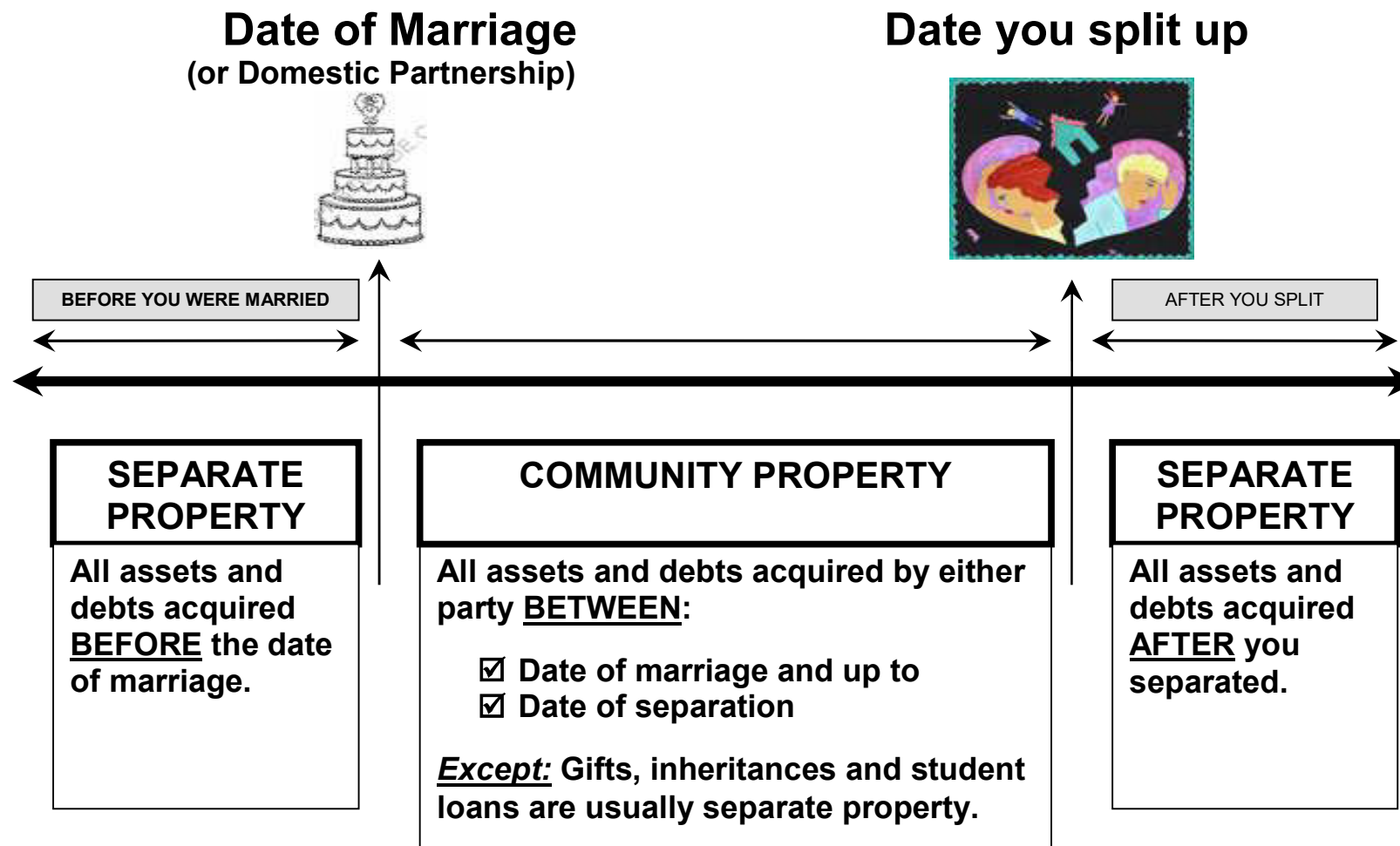
## HOW CAN I GET HELP?

Here are some ways to get help:

- Go to <http://www.calbar.ca.gov/Public>, then click on “Lawyer Referral services” to hire or consult with a private attorney.
- For free legal advice and information, see our “Do-It-Yourself Resources” flyer. Go to [www.scscourt.org](http://www.scscourt.org), click on “Self-Help” then “Self-Help Flyers”.
- The Self Help Center/Family Law Facilitator – See our information flyer:
  - Contact us: Go to [www.scscourt.org](http://www.scscourt.org) then click “**Contact the Self Help Center**”. Walk-in assistance is limited to emergencies so contact us remotely first.
  - Obtain Forms: Go to [www.scscourt.org](http://www.scscourt.org) then click “**Complete Forms at Home**”
  - Form Review: Restraining order requests may be reviewed in person at the Restraining Order Help Center located at 201 N. First Street, San Jose, CA 95113, visit [www.scscourt.org](http://www.scscourt.org) for current office hours. If you cannot get to the office in person you may email your forms as a PDF file to [SHCDocReview@scscourt.org](mailto:SHCDocReview@scscourt.org). Reviews by email will take longer than in-person reviews.
  - Note: We **cannot** help people who have attorneys.

Superior Court, County of Santa Clara  
**Self Help Center/Family Law Facilitator’s Office**  
 201 N. First Street, San Jose, CA 95113  
 408-882-2926

# Community vs. Separate Property



**It does not matter whose name the car or house is in.  
It does not matter who was working when you bought the stuff or got the debt.**

# DO YOU WANT AN ATTORNEY TO REPRESENT YOU AT YOUR RESTRAINING ORDER HEARING?

FREE Services	You Must Qualify	Telephone
<b>Bay Area Legal Aid (BALA)</b> 4 N. Second Street, Suite 600 San Jose, CA 95113 <a href="http://www.baylegal.org/offices7.html">http://www.baylegal.org/offices7.html</a>	Help if you are: <ul style="list-style-type: none"> <li>• <b>Asking</b> for a restraining order</li> <li>• Legal representation if you are low income</li> <li>• Languages spoken: Spanish, Vietnamese, Mandarin, and others.</li> </ul>	Legal Advice line: 408-850-7066 (Mon-Th 9:30-3)  General Info: 408-283-3700
<b>Domestic Violence Limited Scope Representation (DVLSR-Pro Bono Project)</b> 25 N. 14th Street, Suite 506 San Jose, CA 95112	Help if you are: <ul style="list-style-type: none"> <li>• <b>Asking</b> for a restraining order</li> <li>• <b>Defending</b> against a restraining order</li> <li>• Legal representation if you are low income</li> </ul>	408-998-5298
<b>Legal Advocates for Children and Youth (LACY)</b> 152 North 3 <sup>rd</sup> Street , 3 <sup>rd</sup> Floor San Jose , CA 95112 (Across from Saint James Park on 3 <sup>rd</sup> Street ) <a href="http://www.lawfoundation.org/lacy.asp">http://www.lawfoundation.org/lacy.asp</a>	Help if you are: <ul style="list-style-type: none"> <li>• <b>Under 18 or in high school</b></li> <li>• <b>Asking</b> for a restraining order</li> </ul>	408-280-2416
<b>Senior Adults Legal Assistance (SALA)</b> 1425 Koll Circle, Suite 109 San Jose, CA 95112 <a href="http://www.sala.org">http://www.sala.org</a>	Help if you are: <ul style="list-style-type: none"> <li>• <b>60 years or older</b></li> <li>• <b>Asking</b> for a restraining order for elder abuse, domestic violence or civil harassment (for physical abuse only)</li> <li>• Languages spoken: English and Spanish</li> </ul>	408-295-5991 9am-Noon

Lawyer Referral Services ( <i>not free</i> )	Telephone
<b>Santa Clara County Bar Association</b> <a href="https://sccbba.community.lawyer/">https://sccbba.community.lawyer/</a>	<ul style="list-style-type: none"> <li>• \$41 initial consultation fee or</li> <li>• \$31 initial consultation fee for Modest Means</li> <li>• Attorneys are also available who charge a reduced fee for income qualifying individuals</li> </ul> 408-971-6822
<b>Palo Alto Bar Association</b> <a href="https://www.paaba.org/lawyer-referral-service/">https://www.paaba.org/lawyer-referral-service/</a>	<ul style="list-style-type: none"> <li>• \$40 initial consultation fee</li> </ul> 650-326-8322

This information may change. This is not a commitment by these Agencies that they will be able to help you.  
Agencies may not always have someone who can help you.

# Domestic Violence Resources – County of Santa Clara

## 24 hour crisis lines Domestic Violence Agencies in Santa Clara County

- Asian Women's Home (408) 975-2739
- Community Solutions – South County (877) 363-7238
- Next Door, Solutions to Domestic Violence (408) 279-2962
- YWCA Silicon Valley (800) 572-2782

## Other Domestic Violence Hotlines

- MAITRI – South Asian Languages (888) 862-4874 open M-F, 9 am to 1 pm
- National Domestic Violence Hotline (800) 799-SAFE

## Help with restraining order forms, restraining order court hearings, and other family law issues

- Asian Americans for Community Involvement (AACI) (408) 975-2730
- Asian Law Alliance (408) 287-9710
- Bay Area Legal Aid (408) 283-3700
- Community Solutions – South County (408) 846-4700
- LACY (help for parenting or pregnant teens) (408) 293-4790
- Next Door, Solutions to Domestic Violence (408) 501-7550 (English & Spanish) or (408) 279-2962
- Pro Bono Project (408) 998-5298
- DVLSR (free lawyer for your domestic violence hearing) (408) 998-5298
- YWCA Silicon Valley (800) 572-2782
- SALA (60 years old or older) (408) 295-5991
- Family Violence Appellate Project (510) 858-7358

## Help with domestic violence/immigration issues

- Asian Law Alliance (408) 287-9710
- Bay Area Legal (408) 283-3700
- Catholic Charities (408) 944-0691
- Katharine & George Alexander Community Law Center (408) 288-7030

## Victim Notification System

These systems tell you an inmate's custody status and give electronic notice of an intimate's release from jail or prison.

- Jail (800) 464-3568
- Prison (916) 358-2436

## Victim Witness Assistance Center

(408) 295-2656

This center provides services to crime victims and witnesses including crisis counseling, follow-up care, help in court, and applications for money for counseling and other immediate needs.

## California Victim Compensation Program

(800) 735-2929

This is a California program for victims of crime.

## Sheriff's Department Civil Division

(408) 808-4800

To find out if your restraining order was served on the restrained person

## District Attorney - Criminal Division

- Main Office (San Jose) (408) 299-7500
- Victim Advocate – Domestic Violence Unit (408) 792-2546

## Adult Probation

(408) 435-2000

## Santa Clara County Jail- Main Booking

(408) 299-2306

## Family Violence Center – San Jose Police Department

(408) 277-3700

## Santa Clara County Superior Court Resources

To check on the status of your Temporary Orders ("ex parte" request)  
Santa Clara County Self-Help

[www.scscourt.org/online\\_services/family\\_exparte.shtml](http://www.scscourt.org/online_services/family_exparte.shtml)  
[www.scscourt.org](http://www.scscourt.org)

## Domestic Violence Internet Resources

- Family Violence Center – San Jose Police Dept. [www.sjpd.org/fvc/fvc\\_home.html](http://www.sjpd.org/fvc/fvc_home.html)
- YWCA Silicon Valley [www.ywca-sv.org](http://www.ywca-sv.org)
- MAITRI <http://www.maitri.org/>
- California Self-Help Center [www.courts.ca.gov](http://www.courts.ca.gov)



**What is a “domestic violence restraining order”?**

It is a court order that can help protect people who have been abused by someone they've had an intimate relationship with, are closely related to, or have lived with as more than just roommates.

**How can a restraining order help me?**

A judge can order the restrained person to:

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

**Does this request cost money to file?**

No, filing this request with the court is free.

**How long can a restraining order last?**

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

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

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

**How old must I be to ask for one?**

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

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

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

**Can a restraining order protect my children?**

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

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

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



**Am I eligible?**

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

**Required relationship**

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

**Abuse**

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

What does disturbing the peace mean?

It means to destroy someone's mental or emotional calm. Disturbing the peace includes coercive control. Coercive control means a number of acts that unreasonably limit the free will and individual rights of any person. Examples include:

- Isolating someone from their friends, relatives, or other support;
- Keeping them from food or basic needs;
- Controlling or keeping track of them, including their movements, contacts, actions, money, or access to services;
- Threats to immigration status;
- Making them do something that they don't want to do; and
- Controlling or interfering with someone's contraception (birth control, condoms); pregnancy or ability to become a parent; or access to health information.

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

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

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

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

**How do I ask for a domestic violence restraining order?**

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

**Will I have a court hearing (court date)?**

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



### Do I need a lawyer to make this request?

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

### Where can I find a self-help center?

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

### What if I need an interpreter?



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

### I have a disability. How can I get help?

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

### Request for Accommodations



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

### Confidential Address Program

If you are a victim of domestic violence or live with a victim of domestic violence, there is a special program called Safe At Home that you can apply for. It is a free program that would help you keep your address private. To learn more about the program, go to:

<https://www.sos.ca.gov/registries/safe-home/>.

Note that it may take several weeks to be approved.

### For more information on other steps of the process

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

### Information about the court process is also available online

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

### Where can I find other help?

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

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**Part 1: Complete court forms**

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

**Required forms:**

- [Form DV-100](#);
- [Form DV-109](#);
- [Form DV-110](#); and
- [Form CLETS-001](#).

**Optional forms:**

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

- [Form DV-105](#); and
- [Form DV-140](#).

If you want to ask for child support or spousal support, make the request on form DV-100 (see item ⑳ or ㉑) and complete one more form:

- [Form FL-150](#).

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

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

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

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

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

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

**Describe the abuse**

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

**I don't want people to see my address**

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

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

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



### What if the other side has firearms (guns) or ammunition?

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

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

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

### What is the difference between "Pay Debts Owed for Property (item (22)) and "Pay Expenses Caused by the Abuse (item (23))?"

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

### What is "Spousal Support" (item (25))?

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

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

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

## Part 2: File your court papers

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

[www.courts.ca.gov/find-my-court.htm](http://www.courts.ca.gov/find-my-court.htm).

## Part 3: Get your papers from court

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

- ▶ If the judge **granted** you temporary protection and you want it to last longer, make sure you attend your court hearing (listed on form DV-109).
- ▶ If the judge **did not** grant you a temporary restraining order, the judge can grant you a restraining order at your court hearing (listed on form DV-109).



**Part 4: Have someone serve your papers**

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

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

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

**Information about the process is also available online**

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

**Where can I find free help?**

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

**What if I am worried about my safety?**

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

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**Make arrangements before your court hearing**

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

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

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

**Request for Accommodations**

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

**Bring evidence or witnesses to your court hearing**

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

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



**Tips for your court hearing****Plan what you want to say to the judge**

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

**Attend early and safely**

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

- ▶ If you attend in person, do not sit near or talk to the other person. If you are afraid of the other person, tell the officer who is in the courtroom.
- ▶ If you attend by videoconference, and you don't want the other side to see where you are or your phone number (if you call in), talk with an advocate about how to safely attend using videoconference. This may include using a virtual background or using another phone number to call in. You can contact the National Domestic Violence Hotline for free help. See page 4 for information.

**Follow courtroom rules**

Here are some common rules:

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

**What will happen during my case?****The judge will give both sides time to speak**

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

**The judge will reschedule your court hearing or make a decision**

- ▶ There are a few reasons why the judge may have rescheduled your court date. This is called a continuance. Here are some examples:
  - Person asking for the restraining order did not serve the other side in time (by the deadline).
  - The judge needs to set aside more time to hear your case.
  - If the restrained person has not filed a response (form DV-120) and asks for more time to prepare for the case, the judge must grant their request if they ask for one at the first court date.

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

- ▶ If the restraining order is denied, this means that the judge has decided that there was not enough evidence to prove that abuse happened. This means that your restraining order case is finished and any temporary protection expires.
- ▶ If the restraining order is granted, this means that the judge has decided that there is enough evidence to prove that abuse happened. You should go over the restraining order to make sure you understand all the orders. See the next page for information on next steps.



**What do I do after a restraining order is granted?**

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

**Protected person:**

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

**Restrained person:**

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



**What if I have a child with the other side?**

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

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

- ▶ If you asked for a restraining order and you do not attend the hearing, any protection you have in this case will expire. If the other side attends the hearing and you don't, the judge could make some orders against you, like lawyer's fees. To get another restraining order, you would have to fill out and file a new set of forms. If you've changed your mind and no longer want a restraining order, talk with self-help center staff or a lawyer.
- ▶ If someone asked for a restraining order against you, and you do not attend the hearing, a judge may grant a restraining order against you without hearing your side. The order can last for up to five years, and can include orders regarding children or property that you have with the person asking for protection.

**Information about the court process is also available online**

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

**Where can I find a self-help center?**

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

**Where can I find other help?**

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

### **Report a violation to the police**

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

### **What can the police do?**

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

### **Ask the judge to act on the violation**

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

### **What form is my restraining order on?**

Here are some examples:

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

### **Keep a copy of your restraining order with you**

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

### **What if the judge granted orders to protect my children?**

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



**Give copies of the order to other people**

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

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

**Where can I find other help?**

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

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

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

**Where can I find a self-help center?**

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

**What does "renew" mean?**

It means to extend your current restraining order (form DV-130). If renewed, the judge would extend it for at least five years, or make the order permanent (no expiration).

**When do I ask for a renewal?**

You must ask to renew your restraining order before your current restraining order expires. The expiration date is listed on the first page of your current restraining order. You can make the request up to three months before your order expires. Give yourself enough time, if possible, to fill out and file all the required paperwork before your order expires.

**What if I want to renew a juvenile restraining order in Family Court?**

If you have a juvenile restraining order (on form JV-255 or JV-265), that was based on domestic violence and the juvenile case has closed, you can ask the judge to renew your restraining order. Your restraining order is based on domestic violence if it was granted to protect you or your child from the other parent, or to protect you from someone you dated or had an intimate relationship with. If you are not sure whether your juvenile restraining order was based on domestic violence, talk to your lawyer. If you do not have a lawyer, your local self-help center may be able to help you. Find your local court's self-help center at [www.selfhelp.courts.ca.gov/find](http://www.selfhelp.courts.ca.gov/find).

**Is there a court fee to ask for a renewal?**

No.

**Will I have to go to court?**

Yes, if you ask for a renewal, you will get a court date. At your court hearing, the judge will ask you why you want your restraining order renewed. If you do not attend your hearing, your restraining order will not be renewed.

**What if I also want to change (modify) my restraining order?**

There is another process to ask to change your restraining order. If you ask to renew your restraining order, and also ask to change your restraining order, you can ask the judge to decide both requests at the same time. For information on how to ask to change your order, read [form DV-400-INFO, How Do I Ask to Change or End a Domestic Violence Restraining Order After Hearing?](#)

**What if my restraining order expired but I still want protection?**

You are not eligible for a renewal if you have not filed your request to renew before your restraining order expired. You can still ask for protection by filing another request for restraining order. For more information, read [form DV-505-INFO, How to Ask for a Domestic Violence Restraining Order](#).

**What if my restraining order has been renewed before? Can I ask to renew it again?**

Yes, a judge can renew your restraining order more than once. Follow the steps on the next page to ask for a renewal.

**What if I've moved and want to file my request to renew in another county?**

If you want to file your request in another county in California, you may ask the judge in your case to move (transfer) your case. This is called changing venue. For more information about how to make this request, your local self-help center may be able to help you, or contact a lawyer for advice.



**Steps to ask for a renewal****① Complete two forms:**

- Form DV-700, *Request to Renew Restraining Order*; and
- Form DV-710, *Notice of Hearing to Renew Restraining Order* (items 1 and 2 only).

**② File forms with court**

File both forms with the court clerk. Make sure you include a copy of your current restraining order (form DV-130, JV-255, or JV-265) with form DV-700. You can file in person or electronically. For more information on how or where to file, go to the court's website.

**③ Get your papers back from the court**

Make sure you get at least two copies back: one for you and one to have served on the restrained person.

**④ Have restrained person served with papers**

You must have an adult personally give a copy of all the court papers (all forms listed on form DV-710, item 5) to the person you want a restraining order against. It cannot be you or anyone listed on the restraining order. Your server must then complete a proof of service (form DV-200). Make a copy of the completed form DV-200 and file it with the court.

Serving papers can be a dangerous situation. If you want the sheriff to serve your papers, they will do so for free. If you want the sheriff to serve your papers, complete [form SER-001, Request for Sheriff to Serve Court Papers](#). Give the sheriff a copy of the completed form and all papers that need to be served on the other side (all forms listed on form DV-710, item 5). For more information on service, go to <https://selfhelp.courts.ca.gov/DV-restraining-order/renew/sheriff-serves>.

If you can't serve the restrained person before your court hearing, you will need to ask the judge to reschedule your court hearing. Fill out and file forms DV-715 and DV-716. The judge will review your request and decide whether to reschedule your court hearing. If you do not receive a signed copy of form DV-716 from the judge before your court date or the judge denied your request to reschedule your hearing, you *must* attend your court date (listed on form DV-710 or DV-716) if you still want to renew your restraining order.

**⑤ Get ready for and attend your court hearing**

At your court hearing, the judge will decide whether to grant your request to renew your restraining order. What you will need to prove at your court hearing will depend on if the other side attends the hearing:

- If the restrained person does not attend the hearing, the judge can renew your restraining order based on only your request.
- If the restrained person attends the hearing and does not agree to the renewal, then you must prove that you have a reasonable fear or concern that there is enough risk of further abuse if the order is not renewed. The further abuse can be different from the abuse that led to your restraining order. But you don't have to prove that you've been abused by the person since the restraining order has been in effect. The abuse that led to your restraining order may be enough to renew it.

At the hearing, you and the other side will have the opportunity to tell your side of the story. Bring any evidence or witnesses you have.

If you don't want to attend your court hearing in person, go to the court's website to find out more information about attending by phone or videoconference. For information on your court hearing, go to <https://selfhelp.courts.ca.gov/DV-restraining-order/renew/court>.





### What if the judge renews my restraining order?

- ① You will need form DV-730, *Order to Renew Domestic Violence Restraining Order*, signed by the judge. If the court does not complete this form for you, make sure you complete it and give it to the court clerk. Contact the court's self-help center if you need help.
- ② You will need to get copies of form DV-730, once it is signed by the judge. Ask the court clerk when your forms will be ready. There is no fee for turning in this form, and you should receive some free copies.
- ③ Look at form DV-730 to see if the judge ordered you to serve the form by mail or in person. If you are ordered to serve the form by mail, this means your server only has to mail a copy of the restraining order. But serving someone in person is always best. When you mail court papers, it may be hard to prove that the person actually received a copy, especially if the person moves a lot. Learn more about service at <https://selfhelp.courts.ca.gov/DV-restraining-order/renew/serve-order>.

### Where can I find free help?

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

### What if I need an interpreter?



You may use [form INT-300](#) to request an interpreter or ask the clerk how you can request one.

### What if I have a disability and need an accommodation?

You may use [form MC-410](#) to request assistance. Contact the disability/ADA coordinator at your local court for more information.

### Request for Accommodations



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

### Information about this process is also available online

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

### What if I am worried about my safety?

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



# **BLANKS**

DVNM + Disso

Please complete the following forms in blue or black ink.



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): <b>Your Name:</b> _____ <b>Your Mailing Address:</b> _____ <b>City, State, Zip Code:</b> _____  TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): <b>Self Represented</b>	FOR COURT USE ONLY
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA</b> STREET ADDRESS: <b>201 N. First Street, San Jose, CA 95113</b> MAILING ADDRESS: <b>191 N. First Street, San Jose, CA 95113</b> CITY AND ZIP CODE: _____ BRANCH NAME: <b>Family Justice Center Courthouse</b>	
PETITIONER: _____  RESPONDENT: _____	CASE NUMBER: _____
<b>DECLARATION IN SUPPORT OF EX PARTE APPLICATION FOR ORDERS</b>	DEPARTMENT NUMBER: _____ FCS NUMBER: _____

I, the undersigned, declare:

1. I am (choose one):
 

<input type="checkbox"/> attorney for Petitioner	<input type="checkbox"/> attorney for Respondent	<input type="checkbox"/> attorney for child(ren)
<input checked="" type="checkbox"/> self-represented Petitioner	<input type="checkbox"/> self-represented Respondent	
c. <input type="checkbox"/> other (explain): _____		
  
2. **The opposing party or minor children is represented by an attorney:**  Yes  No  
 (If you checked "Yes", fill in the name, address, and telephone number of all attorneys.  
 If you checked "No", fill in the other party's name address, and telephone number.)  
 Party/Attorney name: \_\_\_\_\_  
 Address/Telephone number: \_\_\_\_\_  
 Child's attorney name and address: \_\_\_\_\_
  
3. **OTHER CASES:** Have the parties to this case been involved in another Family, Probate, Juvenile, or Criminal Court Case?  Yes  No If there has been another case, fill in the case number: \_\_\_\_\_
  
4. **OTHER APPLICATIONS:** I or another party  have  have not made previous application(s) on the same issue. Orders were  were not  granted on the prior application(s). Explain in your declaration.
  
5. **NOTICE**
  - a. **I HAVE given notice to all opposing parties and/or their attorney by the following method:**  
 Personal delivery  Fax  Overnight Carrier  First Class Mail  Other: \_\_\_\_\_  
 Date: \_\_\_\_\_ Time: \_\_\_\_\_ Person who received: \_\_\_\_\_  
 I have received confirmation that the other party has received my papers as follows: (Check one below)  
 In person/telephone (describe): \_\_\_\_\_  
 Written confirmation of receipt
  
  - b. **I ask the Court not to require notice of the ex parte request for orders because (Check all that apply. In the space provided below in 5.c. and on any attached pages or a separate sworn declaration, you must give facts that support a request not to give notice for each box you check in 5.b. (except for Domestic Violence Prevention Act (DVPA) restraining orders):**
    - This is an application for Domestic Violence Prevention Act (DVPA) restraining orders.
    - This application involves a matter not requiring notice under State Rules, Rule 5.170;
    - Giving notice would frustrate the purpose of the order;
    - Giving notice would result in immediate and irreparable harm to the applicant or the children who may be affected by the order sought;
    - Giving notice would result in immediate and irreparable damage to or loss of property subject to disposition in the case;
    - The parties agreed in advance that notice will not be necessary with respect to the matter that is the subject of the request for emergency orders. Provide documentation of this agreement; and/or,

PETITIONER:	CASE NUMBER
RESPONDENT:	

The party made reasonable and good faith efforts to give notice to the other party, and further efforts to give notice would probably be futile or unduly burdensome (describe those efforts in detail below).

Other: \_\_\_\_\_

c. **Further Explanation for Asking the Court NOT to Require Notice:**

Additional pages are attached. Total number of attached pages:

Provide detailed factual explanation of any box checked under Paragraph 5.b. above. If you do not have enough room, attach additional pages or a separate sworn declaration of good cause:

**No further explanation is required.**  
**This is an application for a**  
**Domestic Violence Prevention Act**  
**(DVPA) Restraining Order.**

I declare under penalty of perjury that the foregoing and any statement on attached pages are true and correct.

\_\_\_\_\_

Date
Print Name
Signature of Declarant

PETITIONER:	CASE NUMBER
RESPONDENT:	

## **INSTRUCTIONS**

For more information please refer to Superior Court of California, County of Santa Clara Local Rules 5 A & B and California State Rules, Rules 5.151, 5.165, 5.167, and 5.170.

This form is required in Santa Clara County, if you are asking the Judge to make immediate orders (also known as emergency or ex parte orders) without the other party being present for a hearing. This form must be completed in any case where ex parte orders or emergency orders are requested. If you are required to give notice, notice must be given before 10:00 a.m. on the court day before the Judge reviews the application, or the application will be delayed another 24 hours. Notice means providing the other side of the case, either all other attorneys or any self-represented party, with copies of any papers that you want the Judge to review and any orders that you are requesting. If you have given notice to the other side of your case, you must state the form of notice given. If you ask the Court to not require notice, you must explain why. Sometimes notice is not required, such as cases involving allegations of domestic violence or where the safety of a party or a child might be at risk if notice is given. It is up to the Judge in your case to determine whether notice will be required or not.

### **SECTION #1**

State whether you are the Petitioner or the Respondent in the case. Once a case is filed, the parties keep the same status in the case. You do not change from the Respondent to the Petitioner by filing a new motion in the case. If you do not have an attorney, you are considered self-represented.

### **SECTION #2**

If any other party is represented by an attorney, you must provide the Court with the attorney's name and address. If the other party is not represented by an attorney, you must provide the Court with the other party's address.

### **SECTION #3**

It is very important to list all other cases in which you and the other party have been involved with the courts. This would include other Family Law, Probate, Juvenile, Restraining Order, Child Support, Civil, or Criminal matters. If you do not have the case number, please put "unknown" and list the county and the year of the filing, if possible.

### **SECTION #5a.**

Unless notice is excused by the Court, you must provide notice of this application to all other parties and attorneys before you deliver a copy to the Court. When you give such notice, specify how you did it (by fax, courier, or personally, for example), who received it and at what time and on which date. Also, please explain how you know that the other side received copies of your papers and what response you were given.

### **SECTION #5c.**

**If you believe that you should not be required to give notice of this application and are asking the Court not to require notice, explain why in this section. Check as many boxes as apply. You may also write out any further explanation of your reasons for not giving notice or provide a separate declaration.**

After this form is completed, attach it to your application or motion and submit them to the Court Specialist's Office at the Family Court Facility where you are dropping off your paperwork for review.

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Clerk stamps date here when form is filed.

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

**① Person Asking for Protection**

Name: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of Santa Clara**

Street: 201 N. First St., San Jose, CA 95113

Mail: 191 N. First St., San Jose, CA 95113

**② Person to Be Restrained**

Name: \_\_\_\_\_

Court fills in case number when form is filed.

**Case Number:****③ Notice of Hearing**

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


 Date: \_\_\_\_\_ Time: \_\_\_\_\_  
 Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

Name and address of court if different from above:

**Family Justice Center Courthouse****201 N. First Street****San Jose, CA 95113**

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

**To the person in ②:**

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

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

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

(1)  All **granted** until the court hearing.(2)  All **denied** until the court hearing. (Reasons for denial are given below in b.)(3)  Partly **granted** and partly **denied** until the court hearing. (Reasons for denial are given in b.)

- ④ b.  Reasons for denial of some or all of the orders requested on form DV-100.
- (1)  The facts given in the request (form DV-100) do not show reasonable proof of a past act or acts of abuse. (Family Code sections 6300, 6320, and 6320.5.)
- (2)  The facts given in the request do not give enough detail about the most recent incidents of abuse, including what happened, the dates, who did what to whom, or any injuries or history of abuse.
- (3)  Other reasons for denial:
- 

⑤ **Confidential Information Regarding Minor**

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

⑥ **Service of Documents by the Person in ①**

At least  five  \_\_\_\_\_ days before the hearing, someone age 18 or older—**not you or anyone to be protected**—must personally give (serve) a court file-stamped copy of this form (DV-109, *Notice of Court Hearing*) to the person in ② along with a copy of all the forms indicated below:

- a. DV-100, *Request for Domestic Violence Restraining Order* (file-stamped)
- b.  DV-110, *Temporary Restraining Order* (file-stamped), **if granted**
- c. DV-120, *Response to Request for Domestic Violence Restraining Order* (blank form)
- d. DV-120-INFO, *How Can I Respond to a Request for Domestic Violence Restraining Order?*
- e.  DV-170, *Notice of Order Protecting Information of Minor*, and DV-165, *Order on Request to Keep Minor's Information Confidential* (file-stamped), **if granted**
- f.  Other (*specify*): Local form FM-1013 Decl. in Support of Ex Parte Application; Local form FM-1047 How to Safely Turn in Firearms and Ammunition, DV-800, DV-800-INFO, FL-150

**Judge's Signature**

Date: \_\_\_\_\_

\_\_\_\_\_  
*Judicial Officer*



**To the Person in ①:**

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

**To the Person in ②:**

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

**Request for Accommodations**

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

(Clerk will fill out this part.)

Clerk's Certificate  
[seal]

—Clerk's Certificate—

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

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

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Clerk stamps date here when form is filed.

Original Order  Amended Order

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

1 Protected Person (name): \_\_\_\_\_

2 Restrained Person

\*Full Name: \_\_\_\_\_
\*Gender:  M  F  Nonbinary \*Race: \_\_\_\_\_
\*Age: \_\_\_\_\_ (estimate, if age unknown) Date of Birth: \_\_\_\_\_
Height: \_\_\_\_\_ Weight: \_\_\_\_\_
Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_
Relationship to person in 1: Parties are married or registered domestic partners
Address of restrained person: \_\_\_\_\_
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_
Firearms, firearm parts, or ammunition that restrained person may have:
(Include information from form DV-100, item 9)
(Information that has a star (\*) next to it is required to add this order into a California police database. Give all the information you know.)

Fill in court name and street address:

Superior Court of California, County of Santa Clara
Street: 201 N. First St., San Jose, CA 95113
Mail: 191 N. First St., San Jose, CA 95113

Court fills in case number when form is filed.

Case Number: \_\_\_\_\_

3 Other Protected People

In addition to the person named in 1, the people listed below are protected by the orders listed in 8 through 11.

Table with 3 columns: Full name, Relationship to person in 1, Age. Includes three rows for listing protected people.

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

(The court will complete the rest of this form)

4 Your Hearing Date (Court Date)



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

Hearing Date: \_\_\_\_\_ Time: \_\_\_\_\_  a.m.  p.m.

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

This is a Court Order.



**To the Person in 2**

The judge has granted temporary orders. See 5 through 20. If you do not obey these orders, you can be charged with a crime, go to jail or prison, and/or pay a fine. It is a felony to take or hide a child in violation of this order.

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

- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get any prohibited item listed below in b.
- b. **Prohibited items are:**
  - (1) Firearms (guns);
  - (2) Firearm parts, meaning receivers, frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531); and
  - (3) Ammunition.
- c. Within 24 hours of receiving this order, you must sell to or store with a licensed gun dealer, or turn in to law enforcement, any prohibited items you have in your immediate possession or control.
- d. If law enforcement asks you for your prohibited items, you must turn them over immediately.
- e. Within 48 hours of receiving this order, you must file a receipt with the court that proves all prohibited items have been turned in, sold, or stored. (You may use form DV-800/JV-270, *Receipt for Firearms, Firearm Parts, and Ammunition*.) If law enforcement served you with the restraining order, you must give a copy of the receipt to that law enforcement agency.

**6  Restrained Person Has Prohibited Items**

The court finds that you have the following prohibited items:

a. Firearms and/or firearm parts

Description (include serial number, if known)	Location, if known	Proof of compliance received by the court
(1) _____	_____	<input type="checkbox"/> (date): _____
(2) _____	_____	<input type="checkbox"/> (date): _____
(3) _____	_____	<input type="checkbox"/> (date): _____
(4) _____	_____	<input type="checkbox"/> (date): _____

b. Ammunition

Description	Amount, if known	Location, if known	Proof of compliance received by the court
(1) _____	_____	_____	<input type="checkbox"/> (date): _____
(2) _____	_____	_____	<input type="checkbox"/> (date): _____
(3) _____	_____	_____	<input type="checkbox"/> (date): _____
(4) _____	_____	_____	<input type="checkbox"/> (date): _____

**This is a Court Order.**



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

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



Date: \_\_\_\_\_ Dept.: \_\_\_\_\_  
Time: \_\_\_\_\_ Room: \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**8** **Cannot Look for Protected People**

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

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

**9** **Order to Not Abuse**     **Not requested**     **Denied until the hearing**     **Granted as follows:**

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

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

**This is a Court Order.**



**10 No-Contact Order**     Not requested     Denied until the hearing     Granted as follows:

- a. You must **not contact**     the person in ①     the persons in ③ directly or indirectly, by any means, including by telephone, mail, email, or other electronic means.
- b.  Exception to 10a:
  - (1)  You may have brief and peaceful contact with the person in ① only to communicate about your children for court-ordered visits.
  - (2)  You may have contact with your children only during court-ordered contact or visits.
  - (3)  Other (*explain*): \_\_\_\_\_
- c. Peaceful written contact through a lawyer or process server or another person for service of legal papers related to a court case is allowed and does not violate this order.

**11 Stay-Away Order**     Not requested     Denied until the hearing     Granted as follows:

- a. You must stay at least (*specify*): \_\_\_\_\_ yards away from (*check all that apply*):
 

<input type="checkbox"/> Person in ①.	<input type="checkbox"/> School of person in ①.
<input type="checkbox"/> Home of person in ①.	<input type="checkbox"/> Persons in ③.
<input type="checkbox"/> Job or workplace of person in ①.	<input type="checkbox"/> Children’s school or child care.
<input type="checkbox"/> Vehicle of person in ①.	<input type="checkbox"/> Other ( <i>explain</i> ): _____
- b.  Exception to 11a:  
The stay-away orders do not apply:
  - (1)  For you to exchange your children for court-ordered visits. You must do so briefly and peacefully.
  - (2)  For you to visit with your children for court-ordered contact or visits.
  - (3)  Other (*explain*): \_\_\_\_\_

**12 Order to Move Out**     Not requested     Denied until the hearing     Granted as follows:

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**This is a Court Order.**





**14 Child Custody and Visitation**  Not requested  Denied until the hearing  Granted as follows:

Granted on the attached form DV-140, *Child Custody and Visitation Order*, and

(list other form): \_\_\_\_\_.

**15 Protect Animals**  Not requested  Denied until the hearing  Granted as follows:

a.  You must stay at least \_\_\_\_\_ yards away from the animals listed below.

b.  You must not take, sell, hide, molest, attack, strike, threaten, harm, get rid of, transfer, or borrow against the animals.

c.  The person in ① is given the sole possession, care, and control of the animals listed below.

Name (or other way to ID animal)	Type of animal	Breed (if known)	Color
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**16 Control of Property**  Not requested  Denied until the hearing  Granted as follows:

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**17 Health and Other Insurance**  Not requested  Denied until the hearing  Granted as follows:

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

**18 Record Communications**  Not requested  Denied until the hearing  Granted as follows:

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

**This is a Court Order.**



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

The person  in ①  in ② must not transfer, borrow against, sell, hide, or get rid of or destroy any property, including animals, except in the usual course of business or for necessities of life. In addition, each person must notify the other of any new or big expenses and explain them to the court. (If the court granted ⑧, the person in ② must not contact the person in ①. To notify the person in ① of new or big expenses, have a server mail or personally give the information to the person in ① or contact their lawyer, if they have one.)

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

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

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

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

If the person in ① checked any of these orders on form DV-100, a judge could grant them at your court date.

- Child Support                      • Lawyer's Fees and Costs                      • Batterer Intervention Program
- Spousal Support                      • Pay Expenses Caused by Abuse                      • Transfer of Wireless Phone Account

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

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

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

- a. Number of pages attached to this nine-page form:     0
- b. Attachments include forms (*check all that apply*):
- DV-140     DV-145     DV-820     Other: \_\_\_\_\_

**Judge's Signature**

Date: \_\_\_\_\_

\_\_\_\_\_  
*Judge or Judicial Officer*

**This is a Court Order.**



### Certificate of Compliance With VAWA

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

## Warnings and Notices to the Restrained Person in ②

### Your Address to Receive Court Orders

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

### Child Custody, Visitation, and Support

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

### Firearms (Guns), Firearm Parts, and Ammunition

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

**This is a Court Order.**



## Instructions for Law Enforcement

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

### Duties of Officer Serving This Order

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

- Ask if the Restrained Person is in possession of any of the prohibited items listed in ⑥, or has custody or control of any that they have not already turned in.
- Order the Restrained Person to immediately surrender to you all prohibited items.
- Issue a receipt to the Restrained Person for all prohibited items that have been surrendered.
- Complete a proof of personal service and file it with the court. You may use form DV-200 for this purpose.

Within one business day of service, submit the proof of service directly into the California Restraining and Protective Order System (CARPOS), including the serving officer's name and law enforcement agency.

### Arrest Required if Order Is Violated

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

### If the Protected Person Contacts the Restrained Person

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

### Child Custody and Visitation

Child custody and visitation orders are listed on form DV-140 or another attached form. If the judge made these orders, look at ⑩ and ⑪ of this order to see if the judge granted an exception for brief and peaceful contact with the person in ① as needed to follow court-ordered visits. Contact by the person in ② that is **not** brief and peaceful is a violation of this order. **Forms DV-100 and DV-105 are not orders. Do not enforce them.**

**This is a Court Order.**



## Conflicting Orders—Priorities for Enforcement

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority (see Penal Code section 136.2 and Family Code sections 6383(h)(2), 6405(b)):

1. **Emergency Protective Order (EPO):** If one of the orders is an *Emergency Protective Order* (form EPO-001), provisions (e.g., stay away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must be enforced.
2. **No-Contact Order:** If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. Item ⑩ is an example of a no-contact order.
3. **Criminal Protective Order (CPO):** If none of the orders include an EPO or a no-contact order, the most recent CPO must be enforced. (Family Code sections 6383(h)(2) and 6405(b).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Penal Code section 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must be enforced.
4. **Civil Restraining Orders:** If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment), then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must be enforced.

(The clerk will fill out this part.)

Clerk's Certificate  
[seal]

### —Clerk's Certificate—

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

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

**This is a Court Order.**



Clerk stamps date here when form is filed.

Instructions

To ask for a domestic violence restraining order, you will need to complete this form and other forms (see page 12 for list of forms). If this case includes sensitive information about a minor child (under 18 years old), see form DV-160-INFO, Privacy Protection For a Minor (Person Under 18 Years Old) Domestic Violence Prevention for more information on how to protect the child's information.

Fill in court name and street address:

Superior Court of California, County of Santa Clara

Street: 201 N. First St., San Jose, CA 95113

Mail: 191 N. First St., San Jose, CA 95113

Court fills in case number when form is filed.

Case Number:

1 Person Asking for Protection

a. Your name: \_\_\_\_\_

b. Your age: \_\_\_\_\_

c. ! Address where you can receive court papers

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

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

d. ! Your contact information (optional)

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

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

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

Name: Self-Represented \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

2 Person You Want Protection From

a. Full name: \_\_\_\_\_

b. Age (give estimate if you do not know exact age): \_\_\_\_\_

c. Date of birth (if known): \_\_\_\_\_

d. Gender:  M  F  Nonbinary

e. Race: \_\_\_\_\_

This is not a Court Order.



**3 Your Relationship to the Person in 2**

(If you do not have one of these relationships with the person in 2, do not complete the rest of this form. You may be eligible for another type of restraining order. Learn more at <https://selfhelp.courts.ca.gov/restraining-orders>.)

*(Check all that apply)*

- a.  We have a child or children together (*names of children*): \_\_\_\_\_
- b.  We are married or registered domestic partners.
- c.  We used to be married or registered domestic partners.
- d.  We are dating or used to date.
- e.  We are or used to be engaged to be married.
- f.  We are related. The person in 2 is my (*check all that apply*):
- |   |  |
|---|--|
| <input type="checkbox"/> Parent, stepparent, or parent-in-law       | <input type="checkbox"/> Brother, sister, sibling, step-sibling, or sibling in-law |
| <input type="checkbox"/> Child, stepchild, or legally adopted child | <input type="checkbox"/> Grandparent, step-grandparent, or grandparent-in-law      |
| <input type="checkbox"/> Child's spouse                             | <input type="checkbox"/> Grandchild, step-grandchild, or grandchild-in-law         |
- g.  We live together or used to live together. (*If checked, answer question below*):  
 Have you lived together with the person in 2 as a family or household (more than just roommates)?  
 Yes  No (If no, you do not qualify for this kind of restraining order unless you checked one of the other relationships listed above.)

**4 Other Restraining Orders and Court Cases**

- a. Are there any restraining orders currently in place **or** that have expired in the last six months (examples: Did the police give you a restraining order that lasts a few days? Do you have one from the criminal court?)
- No
- Yes (*If yes, give information below and attach a copy if you have one.*)
- (1) (*date of order*): \_\_\_\_\_ (*date it expires*): \_\_\_\_\_
- (2) (*date of order*): \_\_\_\_\_ (*date it expires*): \_\_\_\_\_
- b. Are you involved in any other court case with the person in 2?
- No
- Yes (*If you know, list where the case was filed (city, state, or tribe), the year it was filed, and case number.*)
- Custody \_\_\_\_\_
- Divorce \_\_\_\_\_
- Juvenile (*child welfare or juvenile justice*): \_\_\_\_\_
- Guardianship \_\_\_\_\_
- Criminal \_\_\_\_\_
- Other (*what kind of case?*): \_\_\_\_\_

**This is not a Court Order.**





**Describe Abuse**

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

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

**5 Most recent abuse**

- a. Date of abuse (give an estimate if you don't know the exact date): \_\_\_\_\_
- b. Did anyone else hear or see what happened on this day?  
 I don't know  No  Yes (If yes, give names): \_\_\_\_\_
- c. Did the person in (2) use or threaten to use a gun or other weapon?  
 No  Yes (If yes, describe gun or weapon): \_\_\_\_\_
- d. Did the person in (2) cause you any emotional or physical harm?  
 No  Yes (If yes, describe harm):  
 \_\_\_\_\_
- e. Did the police come?  I don't know  No  Yes (If the police gave you a restraining order, list it in (4).)
- f. Give more details about how the person in (2) was abusive on this day. Details can include what was said, done, or sent to you (examples: text messages, emails, or pictures), how often something happened, etc.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- g. How often has the person in (2) abused you like this?  
 Just this once  2–5 times  Weekly  Other: \_\_\_\_\_  
 Give dates or estimates of when it happened, if known:  
 \_\_\_\_\_  
 \_\_\_\_\_

**This is not a Court Order.**

**6 Has the person in 2 abused you in a different way from the abuse you described in 5? If yes, describe below.**

a. Date of abuse (give an estimate if you don't know the exact date): \_\_\_\_\_

b. Did anyone else hear or see what happened on this day?  
 I don't know  No  Yes (If yes, give names): \_\_\_\_\_

c. Did the person in 2 use or threaten to use a gun or other weapon?  
 No  Yes (If yes, describe gun or weapon): \_\_\_\_\_

d. Did the person in 2 cause you any emotional or physical harm?  
 No  Yes (If yes, describe harm):  
\_\_\_\_\_  
\_\_\_\_\_

e. Did the police come?  I don't know  No  Yes (If the police gave you a restraining order, list it in 4.)

f. Give more details about how the person in 2 was abusive on this day. Details can include what was said, done, or sent to you (examples: text messages, emails, or pictures), how often something happened, etc.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

**This is not a Court Order.**

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

a. Date of abuse (give an estimate if you don't know the exact date): \_\_\_\_\_

b. Did anyone else hear or see what happened on this day?  
 I don't know    No    Yes (If yes, give names): \_\_\_\_\_

c. Did the person in **2** use or threaten to use a gun or other weapon?  
 No    Yes (If yes, describe gun or weapon): \_\_\_\_\_

d. Did the person in **2** cause you any emotional or physical harm?  
 No    Yes (If yes, describe harm):  
\_\_\_\_\_  
\_\_\_\_\_

e. Did the police come?  I don't know    No    Yes (If the police gave you a restraining order, list it in **4**.)

f. Give more details about how the person in **2** was abusive on this day. Details can include what was said, done, or sent to you (examples: text messages, emails, or pictures), how often something happened, etc.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

**This is not a Court Order.**

**8 Other Protected People**

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

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

<u>(1) Full name</u>	<u>Age</u>	<u>Relationship to you</u>	<u>Lives with you?</u>
_____	_____	_____	<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 this box if you need to list more people. Use a separate piece of paper and write "DV-100, Other Protected People" at the top. Turn it in with this form.

(2) Why do these people need protection?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

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

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

<u>Describe Firearms (Guns), Firearm Parts, or Ammunition</u>	<u>Number or Amount</u>	<u>Location, if known</u>
(1) _____	_____	_____
(2) _____	_____	_____
(3) _____	_____	_____
(4) _____	_____	_____
(5) _____	_____	_____
(6) _____	_____	_____

**This is not a Court Order.**



### Choose the Orders That You Want a Judge to Make

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

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

**10**  **Order to Not Abuse**

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

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

**11**  **No-Contact Order**

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

**12**  **Stay-Away Order**

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

*(Check all that apply)*

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Me.                  | <input type="checkbox"/> My vehicle.                 | <input type="checkbox"/> My children's school or childcare.    |
| <input type="checkbox"/> My home.             | <input type="checkbox"/> My school.                  | <input type="checkbox"/> Other <i>(please explain)</i> : _____ |
| <input type="checkbox"/> My job or workplace. | <input type="checkbox"/> Each person in <b>(8)</b> . | _____  |

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

- 100 yards (300 feet)     Other *(give distance in yards)*: **300** \_\_\_\_\_

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

- No     Yes *(If yes, check one)*:
- Live together *(If you live together, you can ask that the person in (2) move out in (13) .)*
- Live in the same building, but not in the same home
- Live in the same neighborhood
- Other *(please explain)*: \_\_\_\_\_

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

- No     Yes *(If yes, check all that apply)*:
- Work together at *(name of company)*: \_\_\_\_\_
- Go to the same school *(name of school)*: \_\_\_\_\_
- Other *(please explain)*: \_\_\_\_\_

**This is not a Court Order.**



**13**  **Order to Move Out**

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

(Give address): \_\_\_\_\_

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

(Check all that apply)

- I own the home.
- I have lived at this address for \_\_\_\_\_ years, \_\_\_\_\_ months.
- My name is on the lease.
- I pay for some or all the rent or mortgage.
- I live at this address with my child(ren).
- Other (please explain): \_\_\_\_\_

**14**  **Other Orders**

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**15**  **Child Custody and Visitation**

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

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

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

**This is not a Court Order.**



**16**  **Protect Animals**

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

Name (or other way to ID animal)	Type of animal	Breed (if known)	Color
(1) _____	_____	_____	_____
(2) _____	_____	_____	_____
(3) _____	_____	_____	_____
(4) _____	_____	_____	_____

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

(Check all that apply)

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

**17**  **Control of Property**

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

\_\_\_\_\_

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

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**18**  **Health and Other Insurance**

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

**19**  **Record Communications**

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

**This is not a Court Order.**



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

I ask the judge to order the person in 2 **not to** borrow against, sell, hide, or get rid of or destroy any possessions or property, except in the usual course of business or for necessities of life. I also ask the judge to order the person in 2 to notify me of any new or big expenses and to explain them to the court.

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

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

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

\_\_\_\_\_

**22**  **Pay Debts (Bills) Owed for Property**

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

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

- |                   |            |                  |                 |
|-------------------|------------|------------------|-----------------|
| (1) Pay to: _____ | For: _____ | Amount: \$ _____ | Due date: _____ |
| (2) Pay to: _____ | For: _____ | Amount: \$ _____ | Due date: _____ |
| (3) Pay to: _____ | For: _____ | Amount: \$ _____ | Due date: _____ |

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

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

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

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

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

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

a(1)  a(2)  a(3)

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

No  Yes

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

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**This is not a Court Order.**





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

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

**(23)  Pay Expenses Caused by the Abuse**

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

Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_  
 Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_

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

(Check all that apply)

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

**(25)  Spousal Support** (*this only applies if you are married or a registered domestic partner with person in (2)*)

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

**(26)  Lawyer's Fees and Costs**

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

**(27)  Batterer Intervention Program**

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

**(28)  Transfer of Wireless Phone Account**

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

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

- a.  My number  Number of child in my care (including area code): \_\_\_\_\_  
 b.  My number  Number of child in my care (including area code): \_\_\_\_\_

**This is not a Court Order.**



### Automatic Orders if the Judge Grants Restraining Order

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

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

**30 Cannot Look for Protected People**

If the judge grants you a restraining order, the person in ② will not be allowed to look for the address or location of any person protected by the restraining order, unless the court finds good cause not to make this order.

**31 Additional pages**

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

**32 Your signature**

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

Date: \_\_\_\_\_

\_\_\_\_\_  
*Type or print your name*



\_\_\_\_\_  
*Sign your name*

**33 Your lawyer's signature (if you have one)**

Date: \_\_\_\_\_

**Self-Represented**  
\_\_\_\_\_  
*Lawyer's name*



**Self-Represented**  
\_\_\_\_\_  
*Lawyer's signature*

### Your Next Steps

**1 You must complete at least three additional forms:**

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

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

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

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

**This is not a Court Order.**

CASE NAME: \_\_\_\_\_

CASE #: \_\_\_\_\_

1 DV-100, DESCRIBE ABUSE

2 a)  Continuation of item  5  6  7 or  Other past abuse:

3

4

5

6

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**Do NOT Write** on this page!!  
Please use another letter-sized  
paper to write on.

SHORT TITLE:

CASE NUMBER:

and

Last Name

Last Name

1 \_\_\_\_\_

2 \_\_\_\_\_

3 \_\_\_\_\_

4 \_\_\_\_\_

5 \_\_\_\_\_

6 \_\_\_\_\_

7 \_\_\_\_\_

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25 \_\_\_\_\_

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

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

Page \_\_\_\_\_

**Do NOT Write** on this page!!  
Please use another letter-sized  
paper to write on.

SHORT TITLE:

CASE NUMBER:

and

Last Name

Last Name

- 1
- 2
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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 \_\_\_\_\_

**Do NOT Write** on this page!!  
Please use another letter-sized  
paper to write on.



# SUMMONS (Family Law)

# CITACIÓN (Derecho familiar)

**NOTICE TO RESPONDENT (Name):** \_\_\_\_\_  
**AVISO AL DEMANDADO (Nombre):** \_\_\_\_\_  
 (Spouse/Domestic Partner's Legal Name)

FOR COURT USE ONLY  
 (SOLO PARA USO DE LA CORTE)

**You have been sued. Read the information below and on the next page.**  
**Lo han demandado. Lea la información a continuación y en la página siguiente.**

**Petitioner's name is:** \_\_\_\_\_  
**Nombre del demandante:** \_\_\_\_\_  
 (Your Legal Name)

CASE NUMBER (NÚMERO DE CASO): \_\_\_\_\_

<p>You have <b>30 calendar days</b> after this <i>Summons</i> and <i>Petition</i> are served on you to file a <i>Response</i> (form <a href="#">FL-120</a>) at the court and have a copy served on the petitioner. A letter, phone call, or court appearance will not protect you.</p> <p>If you do not file your <i>Response</i> on time, the court may make orders affecting your marriage or domestic partnership, your property, and custody of your children. You may be ordered to pay support and attorney fees and costs.</p> <p>For legal advice, contact a lawyer immediately. Get help finding a lawyer at the California Courts Online Self-Help Center (<a href="http://www.courts.ca.gov/selfhelp">www.courts.ca.gov/selfhelp</a>), at the California Legal Services website (<a href="http://www.lawhelpca.org">www.lawhelpca.org</a>), or by contacting your local county bar association.</p>	<p><i>Tiene 30 días de calendario</i> después de haber recibido la entrega legal de esta Citación y Petición para presentar una Respuesta (formulario <a href="#">FL-120</a>) ante la corte y efectuar la entrega legal de una copia al demandante. Una carta o llamada telefónica o una audiencia de la corte no basta para protegerlo.</p> <p><i>Si no presenta su Respuesta a tiempo, la corte puede dar órdenes que afecten su matrimonio o pareja de hecho, sus bienes y la custodia de sus hijos. La corte también le puede ordenar que pague manutención, y honorarios y costos legales.</i></p> <p><i>Para asesoramiento legal, póngase en contacto de inmediato con un abogado. Puede obtener información para encontrar un abogado en el Centro de Ayuda de las Cortes de California (<a href="http://www.sucorte.ca.gov">www.sucorte.ca.gov</a>), en el sitio web de los Servicios Legales de California (<a href="http://www.lawhelpca.org">www.lawhelpca.org</a>) o poniéndose en contacto con el colegio de abogados de su condado.</i></p>
<p><b>NOTICE—RESTRAINING ORDERS ARE ON PAGE 2:</b>                  These restraining orders are effective against both spouses or domestic partners until the petition is dismissed, a judgment is entered, or the court makes further orders. They are enforceable anywhere in California by any law enforcement officer who has received or seen a copy of them.</p>	<p><b>AVISO—LAS ÓRDENES DE RESTRICCIÓN SE ENCUENTRAN EN LA PÁGINA 2:</b> Las órdenes de restricción están en vigencia en cuanto a ambos cónyuges o miembros de la pareja de hecho hasta que se despidan las peticiones, se emita un fallo o la corte dé otras órdenes. Cualquier agencia del orden público que haya recibido o visto una copia de estas órdenes puede hacerlas acatar en cualquier lugar de California.</p>
<p><b>FEE WAIVER:</b> If you cannot pay the filing fee, ask the clerk for a fee waiver form. The court may order you to pay back all or part of the fees and costs that the court waived for you or the other party.</p>	<p><b>EXENCIÓN DE CUOTAS:</b> Si no puede pagar la cuota de presentación, pida al secretario un formulario de exención de cuotas. La corte puede ordenar que usted pague, ya sea en parte o por completo, las cuotas y costos de la corte previamente exentos a petición de usted o de la otra parte.</p>

[SEAL]

1. The name and address of the court are (*El nombre y dirección de la corte son*):  
 Superior Court of California, County of Santa Clara, Family Justice Center Courthouse  
 Street: 201 N. First St., San Jose, CA 95113  
 Mail: 191 N. First St., San Jose, CA 95113
2. The name, address, and telephone number of the petitioner's attorney, or the petitioner without an attorney, are: (*El nombre, dirección y número de teléfono del abogado del demandante, o del demandante si no tiene abogado, son*):  
 Your Legal Name: \_\_\_\_\_  
 Your Street Address: \_\_\_\_\_  
 City, State, Zip Code: \_\_\_\_\_  
 Your Phone Number: ( \_\_\_\_\_ ) \_\_\_\_\_ - \_\_\_\_\_

Date (*Fecha*): \_\_\_\_\_ Clerk, by (*Secretario, por*) \_\_\_\_\_, Deputy (*Asistente*)

**STANDARD FAMILY LAW RESTRAINING ORDERS**

**Starting immediately, you and your spouse or domestic partner are restrained from:**

1. removing the minor children of the parties from the state or applying for a new or replacement passport for those minor children without the prior written consent of the other party or an order of the court;
2. cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance or other coverage, including life, health, automobile, and disability, held for the benefit of the parties and their minor children;
3. transferring, encumbering, hypothecating, concealing, or in any way disposing of any property, real or personal, whether community, quasi-community, or separate, without the written consent of the other party or an order of the court, except in the usual course of business or for the necessities of life; and
4. creating a nonprobate transfer or modifying a nonprobate transfer in a manner that affects the disposition of property subject to the transfer, without the written consent of the other party or an order of the court. Before revocation of a nonprobate transfer can take effect or a right of survivorship to property can be eliminated, notice of the change must be filed and served on the other party.

You must notify each other of any proposed extraordinary expenditures at least five business days prior to incurring these extraordinary expenditures and account to the court for all extraordinary expenditures made after these restraining orders are effective. However, you may use community property, quasi-community property, or your own separate property to pay an attorney to help you or to pay court costs.

**NOTICE—ACCESS TO AFFORDABLE HEALTH**

**INSURANCE:** Do you or someone in your household need affordable health insurance? If so, you should apply for Covered California. Covered California can help reduce the cost you pay towards high quality affordable health care. For more information, visit [www.coveredca.com](http://www.coveredca.com). Or call Covered California at 1-800-300-1506.

**WARNING—IMPORTANT INFORMATION**

California law provides that, for purposes of division of property upon dissolution of a marriage or domestic partnership or upon legal separation, property acquired by the parties during marriage or domestic partnership in joint form is presumed to be community property. If either party to this action should die before the jointly held community property is divided, the language in the deed that characterizes how title is held (i.e., joint tenancy, tenants in common, or community property) will be controlling, and not the community property presumption. You should consult your attorney if you want the community property presumption to be written into the recorded title to the property.

**ÓRDENES DE RESTRICCIÓN ESTÁNDAR DE DERECHO FAMILIAR**

**En forma inmediata, usted y su cónyuge o pareja de hecho tienen prohibido:**

1. *llevarse del estado de California a los hijos menores de las partes, o solicitar un pasaporte nuevo o de repuesto para los hijos menores, sin el consentimiento previo por escrito de la otra parte o sin una orden de la corte;*
2. *cobrar, pedir prestado, cancelar, transferir, deshacerse o cambiar el nombre de los beneficiarios de cualquier seguro u otro tipo de cobertura, como de vida, salud, vehículo y discapacidad, que tenga como beneficiario(s) a las partes y su(s) hijo(s) menor(es);*
3. *transferir, gravar, hipotecar, ocultar o deshacerse de cualquier manera de cualquier propiedad, inmueble o personal, ya sea comunitaria, cuasicomunitaria o separada, sin el consentimiento escrito de la otra parte o una orden de la corte, excepto en el curso habitual de actividades personales y comerciales o para satisfacer las necesidades de la vida; y*
4. *crear o modificar una transferencia no testamentaria de manera que afecte la asignación de una propiedad sujeta a transferencia, sin el consentimiento por escrito de la otra parte o una orden de la corte. Antes de que se pueda eliminar la revocación de una transferencia no testamentaria, se debe presentar ante la corte un aviso del cambio y hacer una entrega legal de dicho aviso a la otra parte.*

*Cada parte tiene que notificar a la otra sobre cualquier gasto extraordinario propuesto por lo menos cinco días hábiles antes de realizarlo, y rendir cuenta a la corte de todos los gastos extraordinarios realizados después de que estas órdenes de restricción hayan entrado en vigencia. No obstante, puede usar propiedad comunitaria, cuasicomunitaria o suya separada para pagar a un abogado que lo ayude o para pagar los costos de la corte.*

**AVISO—ACCESO A SEGURO DE SALUD MÁS ECONÓMICO:**

¿Necesita seguro de salud a un costo asequible, ya sea para usted o alguien en su hogar? Si es así, puede presentar una solicitud con Covered California. Covered California lo puede ayudar a reducir el costo que paga por seguro de salud asequible y de alta calidad. Para obtener más información, visite [www.coveredca.com](http://www.coveredca.com). O llame a Covered California al 1-800-300-0213.

**ADVERTENCIA—INFORMACIÓN IMPORTANTE**

*De acuerdo a la ley de California, las propiedades adquiridas por las partes durante su matrimonio o pareja de hecho en forma conjunta se consideran propiedad comunitaria para fines de la división de bienes que ocurre cuando se produce una disolución o separación legal del matrimonio o pareja de hecho. Si cualquiera de las partes de este caso llega a fallecer antes de que se divida la propiedad comunitaria de tenencia conjunta, el destino de la misma quedará determinado por las cláusulas de la escritura correspondiente que describen su tenencia (por ej., tenencia conjunta, tenencia en común o propiedad comunitaria) y no por la presunción de propiedad comunitaria. Si quiere que la presunción comunitaria quede registrada en la escritura de la propiedad, debería consultar con un abogado.*

PARTY WITHOUT ATTORNEY OR ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name): <b>Self-Represented</b>	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara</b> STREET ADDRESS: <b>201 N. First Street, San Jose, CA 95113</b> MAILING ADDRESS: <b>191 N. First Street, San Jose, CA 95113</b> CITY AND ZIP CODE: BRANCH NAME: <b>Family Justice Center Courthouse</b>	
PETITIONER:  RESPONDENT:	
<b>PETITION FOR</b> <input type="checkbox"/> <b>Dissolution (Divorce) of:</b> <input type="checkbox"/> Marriage <input type="checkbox"/> Domestic Partnership <input type="checkbox"/> <b>Legal Separation of:</b> <input type="checkbox"/> Marriage <input type="checkbox"/> Domestic Partnership <input type="checkbox"/> <b>Nullity of:</b> <input type="checkbox"/> Marriage <input type="checkbox"/> Domestic Partnership <div style="text-align: right; margin-right: 50px;"><input type="checkbox"/> <b>AMENDED</b></div>	CASE NUMBER:

1. **LEGAL RELATIONSHIP** (check all that apply):
  - a.  We are married.
  - b.  We are domestic partners and our domestic partnership was established in California.
  - c.  We are domestic partners and our domestic partnership was NOT established in California.
  
2. **RESIDENCE REQUIREMENTS** (check all that apply):
  - a.  Petitioner     Respondent    has been a resident of this state for at least six months and of this county for at least three months immediately preceding the filing of this *Petition*. (For a divorce, unless you are in the legal relationship described in 1b., at least one of you must comply with this requirement.)
  - b.  Our domestic partnership was established in California. Neither of us has to be a resident or have a domicile in California to dissolve our partnership here.
  - c.  We are the same sex, were married in California, but currently live in a jurisdiction that does not recognize, and will not dissolve, our marriage. This *Petition* is filed in the county where we married.  
       Petitioner lives in (specify): \_\_\_\_\_ Respondent lives in (specify): \_\_\_\_\_
  
3. **STATISTICAL FACTS**
  - a.  (1) Date of marriage (specify): \_\_\_\_\_ (2) Date of separation (specify): \_\_\_\_\_  
       (3) Time from date of marriage to date of separation (specify): \_\_\_\_\_ Years        Months
  - b.  (1) Registration date of domestic partnership with the California Secretary of State or other state equivalent (specify below): \_\_\_\_\_  
       (2) Date of separation (specify): \_\_\_\_\_  
       (3) Time from date of registration of domestic partnership to date of separation (specify): \_\_\_\_\_ Years        Months
  
4. **MINOR CHILDREN**
  - a.  There are no minor children.
  - b.  The minor children are:  

<u>Child's name</u>	<u>Birthdate</u>	<u>Age</u>
---------------------	------------------	------------

- (1)  continued on Attachment 4b.
- (2)  a child who is not yet born.
- c. If any children listed above were born before the marriage or domestic partnership, the court has the authority to determine those children to be children of the marriage or domestic partnership.
- d. If there are minor children of Petitioner and Respondent, a completed *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105) must be attached.
- e.  Petitioner and Respondent signed a voluntary declaration of parentage or paternity. (Attach a copy if available.)

PETITIONER:  RESPONDENT:	CASE NUMBER:
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**Petitioner requests that the court make the following orders:**

**5. LEGAL GROUNDS** (Family Code sections 2200–2210, 2310–2312)

- a.  Divorce or  Legal separation of the marriage or domestic partnership based on (*check one*):  
 (1)  irreconcilable differences. (2)  permanent legal incapacity to make decisions.
- b.  Nullity of void marriage or domestic partnership based on  
 (1)  incest. (2)  bigamy.
- c.  Nullity of voidable marriage or domestic partnership based on  
 (1)  petitioner's age at time of registration of domestic partnership or marriage. (4)  fraud.  
 (2)  prior existing marriage or domestic partnership. (5)  force.  
 (3)  unsound mind. (6)  physical incapacity.

**6. CHILD CUSTODY AND VISITATION (PARENTING TIME)**

- a. Legal custody of children to..... **There are no**
- b. Physical custody of children to..... **minor children.**
- c. Child visitation (parenting time) be granted to .....
- As requested in  form FL-311  form FL-312  
 form FL-341(D)  form FL-341(E)

Petitioner	Respondent	Joint	Other
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**7. CHILD SUPPORT**

- a. If there are minor children born to or adopted by Petitioner and Respondent before or during this marriage or domestic partnership, the court will make orders for the support of the children upon request and submission of financial forms by the requesting party.
- b. An earnings assignment may be issued without further notice.
- c. Any party required to pay support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.
- d.  Other (*specify*):

**8. SPOUSAL OR DOMESTIC PARTNER SUPPORT**

- a.  Spousal or domestic partner support payable to  Petitioner  Respondent
- b.  Terminate (end) the court's ability to award support to  Petitioner  Respondent
- c.  Reserve for future determination the issue of support payable to  Petitioner  Respondent
- d.  Other (*specify*):

**9. SEPARATE PROPERTY**

- a.  There are no such assets or debts that I know of to be confirmed by the court.
- b.  Confirm as separate property the assets and debts in  *Property Declaration* (form FL-160).  Attachment 9b.  
 the following list. Item Confirm to

PETITIONER:	CASE NUMBER:
RESPONDENT:	

**10. COMMUNITY AND QUASI-COMMUNITY PROPERTY**

- a.  There are no such assets or debts that I know of to be divided by the court.
- b.  Determine rights to community and quasi-community assets and debts. All such assets and debts are listed
  - in *Property Declaration* (form FL-160)       in Attachment 10b.
  - as follows (*specify*):

**11. OTHER REQUESTS**

- a.  Attorney's fees and costs payable by  Petitioner       Respondent
- b.  Petitioner's former name be restored to (*specify*):
- c.  Other (*specify*):

Continued on Attachment 11c.

**12. I HAVE READ THE RESTRAINING ORDERS ON THE BACK OF THE SUMMONS, AND I UNDERSTAND THAT THEY APPLY TO ME WHEN THIS PETITION IS FILED.**

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

Date:

(TYPE OR PRINT NAME)	▶	(SIGNATURE OF PETITIONER)
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Date:

(TYPE OR PRINT NAME)	▶	(SIGNATURE OF ATTORNEY FOR PETITIONER)
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**FOR MORE INFORMATION:** Read *Legal Steps for a Divorce or Legal Separation* (**form FL-107-INFO**) and visit "Families Change" at [www.familieschange.ca.gov](http://www.familieschange.ca.gov) — an online guide for parents and children going through divorce or separation.

**NOTICE:** You may redact (black out) social security numbers from any written material filed with the court in this case other than a form used to collect child, spousal or partner support.

**NOTICE—CANCELLATION OF RIGHTS:** Dissolution or legal separation may automatically cancel the rights of a domestic partner or spouse under the other domestic partner's or spouse's will, trust, retirement plan, power of attorney, pay-on-death bank account, survivorship rights to any property owned in joint tenancy, and any other similar thing. It does not automatically cancel the right of a domestic partner or spouse as beneficiary of the other partner's or spouse's life insurance policy. You should review these matters, as well as any credit cards, other credit accounts, insurance policies, retirement plans, and credit reports, to determine whether they should be changed or whether you should take any other actions. Some changes may require the agreement of your partner or spouse or a court order.

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<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA</b> STREET ADDRESS: 201 North First Street, San José, CA 95113 MAILING ADDRESS: 191 North First Street CITY AND ZIP CODE: San José, California 95113 BRANCH NAME: Family Justice Center	<i>FOR COURT USE ONLY</i>
PETITIONER:	
RESPONDENT:	
<b>FAMILY LAW NOTICE</b> <b>Dissolution /Legal Separation/Nullity/Parentage</b>	CASE NUMBER:

**PLEASE READ THIS ENTIRE FORM**

Your case has been assigned to Judge \_\_\_\_\_ in Department: \_\_\_\_\_ for all purposes at the Family Courthouse Located at: 201 North First Street, San José, CA 95113.

**TO THE PETITIONER** (the person who started the case): You must serve a copy of this notice on the other party. YOU CANNOT SERVE THE OTHER PARTY YOURSELF.

**TO THE RESPONDENT** (the person who did not start the case): If you want to protect your rights and participate in this case, you must file a Response with the Court within **30 days** of being served.

**RULES FOR THE STATUS CONFERENCE:**

You must follow the California Rules of Court, the Superior Court of California, County of Santa Clara Local Family Law Rules and you must use the correct forms. You can access the California Rules of Court and Judicial Council forms at [www.courts.ca.gov/rules.htm](http://www.courts.ca.gov/rules.htm) and the Local Family Law Rules and Local forms at [www.scscourt.org](http://www.scscourt.org).

**A final Judgment will NOT be entered in your case automatically. You must take further action to finish your case!**

**IF YOU NEED HELP:**

- Please visit the Self Help section on the Court's website at [www.scscourt.org](http://www.scscourt.org)
- For a low cost consultation with a private attorney contact the Santa Clara County Bar Association at (408) 971-6822 (or [www.sccba.com](http://www.sccba.com)).
- You can also email, call or Live Chat the Court's Self Help Center by going to [www.scscourt.org](http://www.scscourt.org), then click "Contact the Self Help Center".

If, after reviewing the Court's website or other information, you would like to schedule a Status Conference to review the status of your case and next steps to finish it, you may contact the Family Court Clerk's office at (408) 534-5600 or visit them in person at one of the three courthouses listed above during regular Court business hours. **The purpose of the Status Conference is to review your case's progress; it is not the date when your case is actually finished.**





# CLETS-001 Confidential Information for Law Enforcement

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

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

*Court fills in case number when form is received.*

**Case Number:** \_\_\_\_\_

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

Date received by court: \_\_\_\_\_

## 1 Person You Want a Restraining Order Against

\*Name: \_\_\_\_\_ Address: \_\_\_\_\_

Other names used: \_\_\_\_\_ D.O.B.: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Marks, scars, or tattoos: \_\_\_\_\_ SSN: \_\_\_\_\_

Telephone: \_\_\_\_\_ Driver's license (number and state): \_\_\_\_\_

Vehicle type: \_\_\_\_\_ Model: \_\_\_\_\_ Year: \_\_\_\_\_ Plate number: \_\_\_\_\_

Name of employer and address: \_\_\_\_\_

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

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

No  I don't know

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

\_\_\_\_\_  
\_\_\_\_\_

## 2 \*Your Name: \_\_\_\_\_

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

## 3 Your information

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

Race: \_\_\_\_\_ Telephone: \_\_\_\_\_

Do you speak English?  Yes  No (list language): \_\_\_\_\_

## 4 Other People You Want Protected

\*Name: \_\_\_\_\_ \*Gender: \_\_\_\_\_ Race: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

\*Name: \_\_\_\_\_ \*Gender: \_\_\_\_\_ Race: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

\*Name: \_\_\_\_\_ \*Gender: \_\_\_\_\_ Race: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

\*Name: \_\_\_\_\_ \*Gender: \_\_\_\_\_ Race: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Check here if you have more people to list. Write them on a separate piece of paper and write "Item 3" at the top and attach it to this form.

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

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Clerk stamps date here when form is filed.

If you are getting public benefits, are a low-income person, or do not have enough income to pay for your household's basic needs and your court fees, you may use this form to ask the court to waive your court fees. The court may order you to answer questions about your finances. If the court waives the fees, you may still have to pay later if:

- You cannot give the court proof of your eligibility,
Your financial situation improves during this case, or
You settle your civil case for \$10,000 or more. The trial court that waives your fees will have a lien on any such settlement in the amount of the waived fees and costs. The court may also charge you any collection costs.

Fill in court name and street address:

Superior Court of California, County of Santa Clara

Street: 201 N. First St., San Jose, CA 95113
Mail: 191 N. First St., San Jose, CA 95113
Family Justice Center

Fill in case number and name:

Case Number:

Case Name:

1 Your Information (person asking the court to waive the fees):

Name:
Street or mailing address:
City: State: Zip:
Phone:

2 Your Job, if you have one (job title):

Name of employer:
Employer's address:

3 Your Lawyer, if you have one (name, firm or affiliation, address, phone number, and State Bar number):
Self-Represented

a. The lawyer has agreed to advance all or a portion of your fees or costs (check one): Yes No

b. (If yes, your lawyer must sign here) Lawyer's signature:
If your lawyer is not providing legal-aid type services based on your low income, you may have to go to a hearing to explain why you are asking the court to waive the fees.

4 What court's fees or costs are you asking to be waived?

- Superior Court (See Information Sheet on Waiver of Superior Court Fees and Costs (form FW-001-INFO).)
Supreme Court, Court of Appeal, or Appellate Division of Superior Court (See Information Sheet on Waiver of Appellate Court Fees (form APP-015/FW-015-INFO).)

5 Why are you asking the court to waive your court fees?

- I receive (check all that apply; see form FW-001-INFO for definitions):
Food Stamps Supp. Sec. Inc. SSP Medi-Cal County Relief/Gen. Assist. IHSS
CalWORKS or Tribal TANF CAPI WIC Unemployment
My gross monthly household income (before deductions for taxes) is less than the amount listed below. (If you check 5b, you must fill out 7, 8, and 9 on page 2 of this form.)

Table with 6 columns: Family Size, Family Income, Family Size, Family Income, Family Size, Family Income. Rows show income thresholds for 1-6 family sizes. Note: If more than 6 people at home, add \$856.67 for each extra person.

- I do not have enough income to pay for my household's basic needs and the court fees. I ask the court to:
(waive all court fees and costs) (waive some of the court fees) (let me make payments over time)

6 Check here if you asked the court to waive your court fees for this case in the last six months. (If your previous request is reasonably available, please attach it to this form and check here):

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

Date:

Print your name here

Sign here



Case Number: \_\_\_\_\_

Your name: \_\_\_\_\_

If you checked 5a on page 1, do not fill out below. If you checked 5b, fill out questions 7, 8, and 9 only. If you checked 5c, you must fill out this entire page. If you need more space, attach form MC-025 or attach a sheet of paper and write Financial Information and your name and case number at the top.

7  Check here if your income changes a lot from month to month. If it does, complete the form based on your average income for the past 12 months.

8 Your Gross Monthly Income

a. List the source and amount of any income you get each month, including: wages or other income from work before deductions, spousal/child support, retirement, social security, disability, unemployment, military basic allowance for quarters (BAQ), veterans payments, dividends, interest, trust income, annuities, net business or rental income, reimbursement for job-related expenses, gambling or lottery winnings, etc.

- (1) \_\_\_\_\_ \$ \_\_\_\_\_
(2) \_\_\_\_\_ \$ \_\_\_\_\_
(3) \_\_\_\_\_ \$ \_\_\_\_\_
(4) \_\_\_\_\_ \$ \_\_\_\_\_

b. Your total monthly income: \$ \_\_\_\_\_

9 Household Income

a. List the income of all other persons living in your home who depend in whole or in part on you for support, or on whom you depend in whole or in part for support.

Table with columns: Name, Age, Relationship, Gross Monthly Income. Rows (1) through (4) with blank lines for entry.

b. Total monthly income of persons above: \$ \_\_\_\_\_

Total monthly income and household income (8b plus 9b): \$ \_\_\_\_\_

To list any other facts you want the court to know, such as unusual medical expenses, etc., attach form MC-025 or attach a sheet of paper and write Financial Information and your name and case number at the top.

Check here if you attach another page.

Important! If your financial situation or ability to pay court fees improves, you must notify the court within five days on form FW-010.

10 Your Money and Property

- a. Cash \$ \_\_\_\_\_
b. All financial accounts (List bank name and amount):
(1) \_\_\_\_\_ \$ \_\_\_\_\_
(2) \_\_\_\_\_ \$ \_\_\_\_\_
(3) \_\_\_\_\_ \$ \_\_\_\_\_

c. Cars, boats, and other vehicles. Table with columns: Make / Year, Fair Market Value, How Much You Still Owe. Rows (1) through (3) with blank lines.

d. Real estate. Table with columns: Address, Fair Market Value, How Much You Still Owe. Rows (1) through (2) with blank lines.

e. Other personal property (jewelry, furniture, furs, stocks, bonds, etc.):. Table with columns: Describe, Fair Market Value, How Much You Still Owe. Rows (1) through (2) with blank lines.

11 Your Monthly Deductions and Expenses

- a. List any payroll deductions and the monthly amount below:
(1) \_\_\_\_\_ \$ \_\_\_\_\_
(2) \_\_\_\_\_ \$ \_\_\_\_\_
(3) \_\_\_\_\_ \$ \_\_\_\_\_
(4) \_\_\_\_\_ \$ \_\_\_\_\_
b. Rent or house payment & maintenance \$ \_\_\_\_\_
c. Food and household supplies \$ \_\_\_\_\_
d. Utilities and telephone \$ \_\_\_\_\_
e. Clothing \$ \_\_\_\_\_
f. Laundry and cleaning \$ \_\_\_\_\_
g. Medical and dental expenses \$ \_\_\_\_\_
h. Insurance (life, health, accident, etc.) \$ \_\_\_\_\_
i. School, child care \$ \_\_\_\_\_
j. Child, spousal support (another marriage) \$ \_\_\_\_\_
k. Transportation, gas, auto repair and insurance \$ \_\_\_\_\_

l. Installment payments (list each below):
Paid to:
(1) \_\_\_\_\_ \$ \_\_\_\_\_
(2) \_\_\_\_\_ \$ \_\_\_\_\_
(3) \_\_\_\_\_ \$ \_\_\_\_\_

m. Wages/earnings withheld by court order \$ \_\_\_\_\_

n. Any other monthly expenses (list each below).
Paid to: How Much?
(1) \_\_\_\_\_ \$ \_\_\_\_\_
(2) \_\_\_\_\_ \$ \_\_\_\_\_
(3) \_\_\_\_\_ \$ \_\_\_\_\_

Total monthly expenses (add 11a - 11n above): \$ \_\_\_\_\_

**Order on Court Fee Waiver  
(Superior Court)**

*Clerk stamps date here when form is filed.*

**1 Person who asked the court to waive court fees:**

Name: \_\_\_\_\_  
Street or mailing address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**2 Lawyer, if person in 1 has one (name, firm name, address, phone number, e-mail, and State Bar number):**

**Self-Represented**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Fill in court name and street address:*

**Superior Court of California, County of Santa Clara**  
Street: 201 N. First St., San Jose, CA 95113  
Mail: 191 N. First St., San Jose, CA 95113  
Family Justice Center

**3 A request to waive court fees was filed on (date):** \_\_\_\_\_

The court made a previous fee waiver order in this case on (date): \_\_\_\_\_

*Fill in case number and name:*

**Case Number:** \_\_\_\_\_  
**Case Name:** \_\_\_\_\_

**Read this form carefully. All checked boxes  are court orders.**

**Notice:** The court may order you to answer questions about your finances and later order you to pay back the waived fees. If this happens and you do not pay, the court can make you pay the fees and also charge you collection fees. If there is a change in your financial circumstances during this case that increases your ability to pay fees and costs, you must notify the trial court within five days. (Use form FW-010.) If you win your case, the trial court may order the other side to pay the fees. If you settle your civil case for **\$10,000** or more, the trial court will have a lien on the settlement in the amount of the waived fees. The trial court may not dismiss the case until the lien is paid.

**4 After reviewing your:  Request to Waive Court Fees  Request to Waive Additional Court Fees the court makes the following orders:**

a.  The court **grants** your request, as follows:

(1)  **Fee Waiver.** The court grants your request and waives your court fees and costs listed below. (*Cal. Rules of Court, rules 3.55 and 8.818.*) You do not have to pay the court fees for the following:

- Filing papers in superior court
- Making copies and certifying copies
- Sheriff's fee to give notice
- Reporter's fee for attendance at hearing or trial, if the court is not electronically recording the proceeding and you request that the court provide an official reporter
- Assessment for court investigations under Probate Code section 1513, 1826, or 1851
- Preparing, certifying, copying, and sending the clerk's transcript on appeal
- Holding in trust the deposit for a reporter's transcript on appeal under rule 8.130 or 8.834
- Making a transcript or copy of an official electronic recording under rule 8.835
- Court fee for phone hearing
- Giving notice and certificates
- Sending papers to another court department

(2)  **Additional Fee Waiver.** The court grants your request and waives your additional superior court fees and costs that are checked below. (*Cal. Rules of Court, rule 3.56.*) You do not have to pay for the checked items.

- Jury fees and expenses
- Fees for court-appointed experts
- Other (specify): \_\_\_\_\_
- Fees for a peace officer to testify in court
- Court-appointed interpreter fees for a witness

Your name: \_\_\_\_\_

Case Number: \_\_\_\_\_

b.  The court **denies** your fee waiver request because:

**Warning!** If you miss the deadline below, the court cannot process your request for hearing or the court papers you filed with your original request. If the papers were a notice of appeal, the appeal may be dismissed.

(1)  Your request is incomplete. You have **10 days** after the clerk gives notice of this Order (see date of service  on next page) to:

- Pay your fees and costs, or
- File a new revised request that includes the incomplete items listed:
  - Below     On Attachment 4b(1)

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(2)  The information you provided on the request shows that you are not eligible for the fee waiver you requested for the reasons stated:  Below     On Attachment 4b(2)

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The court has enclosed a blank *Request for Hearing About Court Fee Waiver Order (Superior Court)* (form FW-006). You have **10 days** after the clerk gives notice of this order (see date of service below) to:

- Pay your fees and costs in full or the amount listed in c below, or
- Ask for a hearing in order to show the court more information. (*Use form FW-006 to request hearing.*)

c. (1)  The court needs more information to decide whether to grant your request. You must go to court on the date on page 3. The hearing will be about the questions regarding your eligibility that are stated:

Below     On Attachment 4c(1)

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(2)  Bring the items of proof to support your request, if reasonably available, that are listed:

Below     On Attachment 4c(2)

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**This is a Court Order.**

Your name: \_\_\_\_\_

Case Number: \_\_\_\_\_

Name and address of court if different from above:

**Hearing Date**

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

**Warning!** If item c(1) is checked, and you do not go to court on your hearing date, the judge will deny your request to waive court fees, and you will have 10 days to pay your fees. If you miss that deadline, the court cannot process the court papers you filed with your request. If the papers were a notice of appeal, the appeal may be dismissed.

Date: \_\_\_\_\_

Signature of (check one):  Judicial Officer  Clerk, Deputy

### Request for Accommodations



Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office for *Request for Accommodations by Persons With Disabilities and Response* (form MC-410). (Civ. Code, § 54.8.)

### Clerk's Certificate of Service

I certify that I am not involved in this case and (check one):

- I handed a copy of this Order to the party and attorney, if any, listed in ① and ②, at the court, on the date below.
- This order was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in ① and ②, from (city): \_\_\_\_\_, California, on the date below.
- A certificate of mailing is attached.

Date: \_\_\_\_\_

Clerk, by \_\_\_\_\_, Deputy  
Name: \_\_\_\_\_

**This is a Court Order.**





# **Proof of Service**

DVNM + Disso

Rev. 1.1.2024

If you want to find someone on your own to serve the forms, your server will complete the following form.



**What is "service"?**

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

**Why do I have to serve my legal papers?**

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



**What is "personal service"?**

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

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

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

**Who can serve?**

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



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

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

**How do I have my court papers served?**

**○ Step 1: Choose a server**

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

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

Give your server these instructions:

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

**○ Step 3: File proof with the court**

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

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

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



**When is the deadline to serve my court papers?**

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

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

**③ Notice of Court Hearing**  
A court hearing is scheduled on

<b>Hearing Date</b>	→ Date: _____
	Dept.: _____

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

**⑥ Service of Documents by the Person**  
At least  five  \_\_\_ days before the

- **Step 3: Look at a calendar.** Subtract the number of days in ⑥ from the court date. That's the deadline to have your court papers served. It's okay to serve your court papers before the deadline.

If nothing is written in ⑥, you must have your court papers served at least five days before your court date.

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

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

If the judge gives you a new court date, the person you want restrained will have to be served with [form DV-116](#), [form DV-115](#), and the original papers you filed. You should keep a copy of [form DV-115](#), [form DV-116](#), and a copy of your original paperwork. That way, the police will know your orders are still in effect.

For more information on asking for a new court date, read [form DV-115-INFO](#).

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

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

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

PARTY WITHOUT ATTORNEY or ATTORNEY STATE BAR NO.: _____ NAME: _____ FIRM NAME: <b>Self-Represented</b> STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (name): <b>Self-Represented</b>	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara</b> STREET ADDRESS: 201 N. First Street, San Jose, CA 95113 MAILING ADDRESS: 191 N. First Street, San Jose, CA 95113 CITY AND ZIP CODE: _____ BRANCH NAME: <b>Family Justice Center Courthouse</b>	
PETITIONER:  RESPONDENT:	
<b>PROOF OF SERVICE OF SUMMONS</b>	CASE NUMBER: _____

1. At the time of service I was at least 18 years of age and not a party to this action. I served the respondent with copies of:
- a.  Family Law: *Petition—Marriage/Domestic Partnership* (form [FL-100](#)), *Summons* (form [FL-110](#)), and blank *Response—Marriage/Domestic Partnership* (form [FL-120](#))
  - or—
  - b.  Uniform Parentage: *Petition to Determine Parental Relationship* (form [FL-200](#)), *Summons* (form [FL-210](#)), and blank *Response to Petition to Determine Parental Relationship* (form [FL-220](#))
  - or—
  - c.  Custody and Support: *Petition for Custody and Support of Minor Children* (form [FL-260](#)), *Summons* (form [FL-210](#)), and blank *Response to Petition for Custody and Support of Minor Children* (form [FL-270](#))
  - and**
  - d.  (1)  Completed and blank *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form [FL-105](#))
  - (2)  Completed and blank *Declaration of Disclosure* (form [FL-140](#))
  - (3)  Completed and blank *Schedule of Assets and Debts* (form [FL-142](#))
  - (4)  Completed and blank *Income and Expense Declaration* (form [FL-150](#))
  - (5)  Completed and blank *Financial Statement (Simplified)* (form [FL-155](#))
  - (6)  Completed and blank *Property Declaration* (form [FL-160](#))
  - (7)  *Request for Order* (form [FL-300](#)), and blank *Responsive Declaration to Request for Order* (form [FL-320](#))
  - (8)  Other (specify):  
 DV-109; DV-110; DV-100; blank DV-120  
 DV-800; DV-800-INFO; local form FM-1013;  
 local form FM-1047  
 ADR Options (local form FM-1021)  
 Family Law Notice (local form FM-1050)

2. Address where respondent was served:

3. I served the respondent by the following means (check proper boxes):

a.  **Personal service.** I personally delivered the copies to the respondent (Code Civ. Proc., § 415.10) on (date): \_\_\_\_\_ at (time): \_\_\_\_\_

b.  **Substituted service.** I left the copies with or in the presence of (name): \_\_\_\_\_

who is (specify title or relationship to respondent):

- (1)  **(Business)** a person at least 18 years of age who was apparently in charge at the office or usual place of business of the respondent. I informed the person of the general nature of the papers.
- (2)  **(Home)** a competent member of the household (at least 18 years of age) at the home of the respondent. I informed the person of the general nature of the papers.

on (date): \_\_\_\_\_ at (time): \_\_\_\_\_

I thereafter mailed additional copies (by first class, postage prepaid) to the respondent at the place where the copies were left (Code Civ. Proc., § 415.20b) on (date): \_\_\_\_\_

A **declaration of diligence** is attached, stating the actions taken to first attempt personal service.

PETITIONER: RESPONDENT:	CASE NUMBER:
----------------------------	--------------

3. c.  **Mail and acknowledgment service.** I mailed the copies to the respondent, addressed as shown in item 2, by first-class mail, postage prepaid, on *(date)*: \_\_\_\_\_ from *(city)*: \_\_\_\_\_
- (1)  with two copies of the *Notice and Acknowledgment of Receipt* (form [FL-117](#)) and a postage-paid return envelope addressed to me. **(Attach completed *Notice and Acknowledgment of Receipt* (form [FL-117](#))).** (Code Civ. Proc., § 415.30.)
- (2)  to an address outside California (by registered or certified mail with return receipt requested). **(Attach signed return receipt or other evidence of actual delivery to the respondent.)** (Code Civ. Proc., §§ 415.40, 417.20.)
- d.  **Other** (*specify code section*): \_\_\_\_\_
- Continued on [Attachment 3d](#).

4. **Person who served papers**

Name: \_\_\_\_\_

Address:  
 Street Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone number: \_\_\_\_\_

This person is

- a.  exempt from registration under Business and Professions Code section 22350(b).
- b.  not a registered California process server.
- c.  a registered California process server:  an employee or  an independent contractor
- (1) Registration no.: \_\_\_\_\_
- (2) County: \_\_\_\_\_
- (3) **The fee** for service was (*specify*): \$ \_\_\_\_\_

5.  **I declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- or-
6.  **I am a California sheriff, marshal, or constable**, and I certify that the foregoing is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
 (NAME OF PERSON WHO SERVED PAPERS)

▶

\_\_\_\_\_  
 (SIGNATURE OF PERSON WHO SERVED PAPERS)

# **Blank Response**

For the Restrained Person

DVNM + Disso

**Leave Blank. These have to be served (hand delivered) to the other side along with a filed copy of your forms.**





# DV-120-INFO How Can I Respond to a Request for Domestic Violence Restraining Order?

## I was served with form DV-100, DV-109, or DV-110. What does this mean?

Someone has asked for a domestic violence restraining order against you. On the forms, you are the "person in ②" and the person who wants a restraining order against you is listed in ① on all the forms.

**Form DV-100:** This form has all the orders that the person in ① has asked the judge to order.

**Form DV-109:** Your court hearing (court date) is listed on this form. You should attend the court hearing if you do not agree to the orders requested. If you do not attend, the judge can make orders against you without hearing from you.

**Form DV-110:** If you were served with form DV-110, it means that the judge granted a temporary restraining order against you. You must follow the orders.

## What is a Domestic Violence Restraining Order?

It is a court order that can help protect people who have been abused by someone they have been intimate with, or are closely related to. To be eligible, the person asking for the restraining order must be:

- Someone you date or used to date
- A spouse, ex-spouse, registered domestic partner, or ex-domestic partner
- Someone you live or lived with (more than a roommate)
- Your parent, sibling, child, grandparent, or grandchild related by blood, marriage, or adoption

## What can a restraining order do?

A restraining order can include orders for you to:

- Not contact or harm the protected person, including children or others listed as protected people
- Stay away from all protected people and places
- Not have any firearms (guns), firearm parts, or ammunition. This includes homemade or untraceable guns, like "ghost guns."
- Move out of the place that you share with the protected person
- Follow custody and visitation orders
- Pay child support
- Pay spousal support
- Pay debt for property
- Give control of property (examples: cell phone, car, home) to the person asking for protection.

## What if I have children with the person asking for a restraining order?

A restraining order can include orders for your children, including listing them as protected persons. It can also include child custody and visitation orders and orders to limit your ability to travel with your children.

## How long does the order last?

If the judge granted a temporary restraining order (form DV-110), it will last until the hearing date. At your court hearing, the judge will decide whether to extend the order or cancel the order. The judge can extend the order for up to five years. Custody, visitation, child support, and spousal support orders can last longer than five years and they do not end when the restraining order ends.



# DV-120-INFO How Can I Respond to a Request for Domestic Violence Restraining Order?

## What do I do next?

### Part 1: Turn in or sell prohibited items

If there is a temporary restraining order against you (see form DV-110), then you must immediately turn in, sell, or store any prohibited items you have or own.



Prohibited items include:

- **Firearms**, including any handgun, rifle, shotgun, and assault weapon
- **Firearm parts**, meaning receivers, frames, and any item that may be used as or easily turned into a receiver or frame
- **Ammunition**, including bullets, shells, cartridges, and clips

You must then prove to the court that you've complied with the orders. Bring [form DV-800/JV-270, Receipt for Firearms, Firearm Parts, and Ammunition](#), to a gun dealer or law enforcement when you turn in your items. After DV-800/JV-270 is complete, file it with the court. You may ask the court for information on how to turn in, sell, or store these items in your city or county. You can also read [form DV-800-INFO/JV-270-INFO, How Do I Turn In, Sell, Or Store My Firearms, Firearm Parts, and Ammunition?](#)

### Part 2: Respond in writing (optional)

"Respond" means to let the judge and the other side know whether you agree or disagree with the request for restraining order, and why. Responding in writing is optional and there is no penalty if you don't. If you need more time to prepare for your case, talk to a lawyer or self-help center staff before you file a response.

If you want to respond in writing, complete [form DV-120, Response to Request for Domestic Violence Restraining Order](#). After you complete the form, file it with the court. There is no court fee to file this form. Then "serve" the form on the person asking for the restraining order. "Serve" means to have someone 18 years old or older mail a copy to the person asking for the restraining order. You cannot be the one to mail your papers. The person who mails your form must fill out [form DV-250, Proof of Service by Mail](#). After form DV-250 is completed, file it with the court.

### Part 3: Get ready and go to your court hearing

Your court hearing is listed on form DV-109, *Notice of Court Hearing*. You have the option of attending your hearing in-person or remotely (by phone, or videoconference if available). For information on how to attend your hearing remotely, go to the court's website. Some courts may require advance notice. At the hearing, you and the other side will have the opportunity to tell your side of the story. For more information, read [form DV-520-INFO, Get Ready for the Restraining Order Court Hearing](#). If you need more time to prepare your case, you may ask the judge for a new court date. The judge will decide whether to grant your request. Read [form DV-115-INFO, How to Ask For a New Hearing Date](#), for more information. Note that if the judge does give you a new court date and if there is a temporary restraining order against you, the judge will usually extend the temporary restraining order until the next court date.

### What if I need an interpreter?



You may use [form INT-300](#) to request an interpreter or ask the clerk how you can request one.

### What if I have a disability and need an accommodation?

You may use [form MC-410](#) to request assistance. Contact the disability/ADA coordinator at your local court for more information.

### Request for Accommodations



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



### **Do I need a lawyer?**

It's possible to go through this process without a lawyer. But having a restraining order against you may have a lot of consequences, and you may want to hire a lawyer. If you don't hire a lawyer, you can get free help from your court's self-help center.

### **What if I was arrested or have criminal charges against me?**

Anything you write in your court papers or say at a hearing for this case and for any criminal case can be used against you. Talk to a lawyer if you have any concerns about what you can do and say.

### **Where can I find a self-help center?**

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

### **What if I don't obey the order?**

The police can arrest you. You can go to jail and pay a fine. You must still follow the orders even if you are not a U.S. citizen. If you are worried about your immigration status, talk to an immigration lawyer.

### **Can I use the restraining order to get divorced or end a 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.

### **What if I want to leave the county or state?**

You must still comply with the restraining order, including custody and visitation orders. The restraining order is valid anywhere in the United States.

### **What if I have more than one restraining order against me?**

If the police are called to enforce the order, they will need to follow the rules of enforcement (see "Priority of Enforcement" listed on the back of form DV-110, DV-130, and CR-160). If you have questions about any of the orders against you, contact your local self-help center or talk to a lawyer. Find your local court's self-help center at [www.selfhelp.courts.ca.gov/find](http://www.selfhelp.courts.ca.gov/find).

### **What if I am a victim or survivor of domestic violence?**

The National Domestic Violence Hotline provides free and private safety tips. Help is available in over 100 languages. Visit online at [www.thehotline.org](http://www.thehotline.org) or call 1-800-799-7233; 1-800-787-3224 (TTY).

### **What if I need a restraining order against the other person?**

Do not use form DV-120 to request a domestic violence restraining order. For information on how to file your own restraining order, read [form DV-505-INFO](#). You can also ask the court clerk about free or low-cost legal help.

### **Information about the court process is also available online**

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



Clerk stamps date here when form is filed.

Use this form if someone has asked for a domestic violence restraining order against you, and you want to respond in writing. You will need a copy of form DV-100, *Request for Domestic Violence Restraining Order*, that was filled out by the person who asked for a restraining order against you. There is no cost to file this form with the court.

**Do not use this form** if you want to ask for your own restraining order. Read form DV-500-INFO, *Can a Domestic Violence Restraining Order Help Me?* to find out more about this type of restraining order.

Fill in court name and street address:

**Superior Court of California, County of Santa Clara**

Street: 201 N. First St., San Jose, CA 95113

Mail: 191 N. First St., San Jose, CA 95113

Fill in case number:

**Case Number:****1 Name of Person Asking for Protection:***(See form DV-100, item 1):*

\_\_\_\_\_

**2 Your Name:****! Address where you can receive court papers**

**(This address will be used by the court and by the person in 1 to send you official court dates, orders, and papers.** For privacy, you may use another address like a post office box, a Safe at Home address, or another person's address, if you have their permission and can get your mail regularly. If you have a lawyer, give their information.)

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**! Your contact information (optional)**

(The court could use this information to contact you. If you don't want the person in 1 to have this information, leave it blank or provide a safe phone number or email address. If you have a lawyer, give their information.)

Email Address: \_\_\_\_\_ Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

**Your lawyer's information (if you have one)**Name: **Self-Represented** \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

**3 Your Hearing Date (Court Date)**

Your hearing date is listed on form DV-109, *Notice of Court Hearing*. If you do not agree to having a restraining order against you, attend your hearing date. If you do not attend your hearing, the judge could grant a restraining order that could last up to five years.

**This is not a Court Order.**

**How to complete this form:** To answer the questions below, look at the form DV-100 filled out by the person in ①. Tip: When the restraining order forms say "the person in ②" that means you, and the "person in ①" means the person who is asking for a restraining order against you.

**4 Information About You** (see item ② on form DV-100)

The person in ① listed your name, age, gender, and date of birth. If any of the information is incorrect, use the space below to give the correct information.

---

**5 Your Relationship to the Person in ①**

In item ③ of form DV-100, has the person in ① correctly described your relationship with them?

Yes  No If no, what is your relationship with the person in ①?:

---

**6 History of Court Cases and Restraining Orders** (see item ④ on form DV-100)

The person in ① may have listed other court cases or restraining orders involving you. If information is incorrect or missing, use the space below to give information.

---

---

Check here if you are including a copy of restraining order or court order that you want the judge to know about.

**7 Other Protected People**

If the judge grants a restraining order, it can include family or household members of the person in ①. See item ⑧ on form DV-100 to see if the person in ① is asking for other people to be protected by the restraining order.

- a.  I agree to the order requested.  
b.  I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: \_\_\_\_\_

---

**8 Order to Not Abuse** (see item ⑩ on form DV-100)

- a.  I agree to the order requested.  
b.  I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: \_\_\_\_\_

---

**This is not a Court Order.**



9  **No-Contact Order** (see item 11 on form DV-100)

- a.  I agree to the order requested.  
b.  I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: \_\_\_\_\_  
\_\_\_\_\_

10  **Stay-Away Order** (see item 12 on form DV-100)

- a.  I agree to the orders requested.  
b.  I do not agree to the orders requested.

Explain why you disagree, or describe a different order that you would agree to: \_\_\_\_\_  
\_\_\_\_\_

11  **Order to Move Out** (see item 13 on form DV-100)

- a.  I agree to the order requested.  
b.  I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: \_\_\_\_\_  
\_\_\_\_\_

12  **Other Orders** (see item 14 on form DV-100)

- a.  I agree to the order requested.  
b.  I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: \_\_\_\_\_  
\_\_\_\_\_

13  **Child Custody and Visitation** (see item 15 on form DV-100 and DV-105)

- a.  I am **not** the parent of the child listed in form DV-105, *Request for Child Custody and Visitation Orders*  
b.  I am the parent of the child or children listed in form DV-105 (check one):

(1)  I agree to the orders requested.

(2)  I do not agree to the orders requested. (Complete form DV-125, *Response to Request for Child Custody and Visitation Orders*, and attach it to this form.)

**This is not a Court Order.**



**14**  **Protect Animals** (see item 16 on form DV-100)

- a.  I agree to the orders requested.  
b.  I do not agree to the orders requested.

Explain why you disagree, or describe a different order that you would agree to: \_\_\_\_\_  
\_\_\_\_\_**15**  **Control of Property** (see item 17 on form DV-100)

- a.  I agree to the order requested.  
b.  I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: \_\_\_\_\_  
\_\_\_\_\_**16**  **Health and Other Insurance** (see item 18 on form DV-100)

- a.  I agree to the order requested.  
b.  I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: \_\_\_\_\_  
\_\_\_\_\_**17**  **Record Communications** (see item 19 on form DV-100)

- a.  I agree to the order requested.  
b.  I do not agree to the order requested.

**18**  **Property Restraint** (see item 20 on form DV-100)

- a.  I agree to the order requested.  
b.  I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: \_\_\_\_\_  
\_\_\_\_\_**19**  **Pay Debt (Bills) Owed for Property** (see item 22 on form DV-100)

- a.  I agree to the orders requested.  
b.  I do not agree to the orders requested.

Explain why you disagree, or describe a different order that you would agree to: \_\_\_\_\_  
\_\_\_\_\_**This is not a Court Order.**



**20**  **Pay Expenses Caused by the Abuse** (see item 23 on form DV-100)

- a.  I agree to the order requested.  
b.  I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: \_\_\_\_\_  
\_\_\_\_\_

**21**  **Child Support** (see item 24 on form DV-100)

- a.  I agree to the order requested.  
b.  I do not agree to the order requested.  
c.  I agree to pay guideline child support. (Learn more about guideline child support at [www.courts.ca.gov/selfhelp-support.htm](http://www.courts.ca.gov/selfhelp-support.htm).)

**22**  **Spousal Support** (see item 25 on form DV-100)

- a.  I agree to the order requested.  
b.  I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: \_\_\_\_\_  
\_\_\_\_\_

**23**  **Lawyer's Fees and Costs**

If the person in 1 checked item 26 on form DV-100, this means that they have asked the judge to order you to pay their lawyer's fees and costs. You may also ask for lawyer's fees and costs. The judge can order the person in 1 to pay for your lawyer's fees and cost if:

- (1) The person in 1's request for restraining order is denied;
- (2) The judge decides that the request was frivolous or was made only to abuse, intimidate, or cause unneeded delay; and
- (3) The person in 1 can afford to pay for your lawyer's fees and costs.

Check here if you want the person in 1 to pay for some or all of your lawyer's fees and costs.

**24**  **Batterer Intervention Program** (see item 27 on form DV-100)

- a.  I agree to the order requested.  
b.  I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: \_\_\_\_\_  
\_\_\_\_\_

**This is not a Court Order.**



**25**  **Transfer Wireless Phone Account** (see item **28** on form DV-100)

- a.  I agree to the order requested.
- b.  I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: \_\_\_\_\_  
\_\_\_\_\_

**26** **Firearms (Guns), Firearm Parts, or Ammunition** (see item **29** on form DV-100)

If you were served with form DV-110, *Temporary Restraining Order*, you must follow the orders in **5** on form DV-110. You must file a receipt with the court from the law enforcement agency or a licensed gun dealer within 48 hours after you received form DV-110. You may use form DV-800/JV-270, Receipt for Firearms, Firearm Parts, and Ammunition.

*(Check all that apply)*

- a.  I do not own or have any prohibited items (firearms (guns), prohibited firearm parts, or ammunition).
- b.  I have turned in all prohibited items that I have or own to law enforcement or sold/stored them with a licensed gun dealer. A copy of the receipt showing that I turned in, sold, or stored the prohibited items *(check all that apply)*:  is attached  has already been filed with the court.
- c.  I ask for an exception to carry a firearm for work only. (You will have to show the judge that your work requires you to have a firearm, and that your employer cannot reassign you to another position where a firearm is not needed. If you are a peace officer, there are additional requirements.)

*(Give details, like what your job is and why you need a firearm):* \_\_\_\_\_  
\_\_\_\_\_

**27** **Cannot Look for Protected People** (see item **30** on form DV-100)

- a.  I agree to the order.
- b.  I do not agree to the order.

Explain why you disagree, or describe a different order that you would agree to: \_\_\_\_\_  
\_\_\_\_\_

**28**  **Additional Reasons I Do Not Agree with the Request** (optional)

Explain why you do not agree to any of the orders requested by the person in **1** (give specific facts and reasons):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Check here if you need more space. Attach a sheet of paper and write “DV-120, Additional Reasons I Do Not Agree with the Request” at the top.

**This is not a Court Order.**



**29**  **My Out-of-Pocket Expenses**

If the request for restraining order is denied by the judge at the court hearing, I ask the judge to order the person in **1** to pay my out-of-pocket expenses because the temporary restraining order was granted without enough supporting facts. The expenses are:

For: _____	Because: _____	Amount: \$	
For: _____	Because: _____	Amount: \$	
For: _____	Because: _____	Amount: \$	

**30** **Additional Pages**

Number of pages attached to this form, if any: \_\_\_\_\_

**31** **Your signature**

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

Date: \_\_\_\_\_

<p><i>Type or print your name</i></p>	▶	<p><i>Sign your name</i></p>
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**32** **Your lawyer's signature** *(if you have one)*

Date: \_\_\_\_\_

**Self-Represented**  
 \_\_\_\_\_  
*Lawyer's name*

<p><i>Lawyer's signature</i></p>	▶	<p><i>Lawyer's signature</i></p>
----------------------------------	---	----------------------------------

**Your Next Steps**

- Turn in your completed form with the court.
- If the person in **1** asked for child support, spousal support, or lawyer's fees, you must complete form FL-150, Income and Expense Declaration. If the person in **1** is only asking for child support (item 24 on form DV-100), you may be eligible to fill out a simpler form, form FL-155. Read form DV-570 to see if you are eligible to fill out form FL-155. Before your court date, you must file form FL-150 or FL-155 with the court.
- Have someone else (not you) mail the person in **1** a copy of your forms, and complete form DV-250, Proof of Service by Mail. File form DV-250 with the court. *(The person who mails this form must be at least 18 years old and cannot be you or someone protected on the restraining order.)*
- Prepare for your court date by gathering evidence or witnesses, if you have any. Learn more at <https://selfhelp.courts.ca.gov/respond-domestic-violence-restraining-order>. More information is also available on form DV-120-INFO, *How Can I Respond to a Request for Domestic Violence Restraining Order?*

**This is not a Court Order.**

**Do NOT Write** on this page!!  
Please use another letter-sized  
paper to write on.

PARTY WITHOUT ATTORNEY OR ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name): <b>Self-Represented</b>	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara</b> STREET ADDRESS: <b>201 N. First Street, San Jose, CA 95113</b> MAILING ADDRESS: <b>191 N. First Street, San Jose, CA 95113</b> CITY AND ZIP CODE: BRANCH NAME: <b>Family Justice Center Courthouse</b>	
PETITIONER: RESPONDENT:	
<b>RESPONSE</b> <input type="checkbox"/> <b>AND REQUEST FOR</b> <input type="checkbox"/> <b>AMENDED</b> <input type="checkbox"/> <b>Dissolution (Divorce) of:</b> <input type="checkbox"/> Marriage <input type="checkbox"/> Domestic Partnership <input type="checkbox"/> <b>Legal Separation of:</b> <input type="checkbox"/> Marriage <input type="checkbox"/> Domestic Partnership <input type="checkbox"/> <b>Nullity of:</b> <input type="checkbox"/> Marriage <input type="checkbox"/> Domestic Partnership	CASE NUMBER:

1. **LEGAL RELATIONSHIP** (check all that apply):

- a.  We are married.
- b.  We are domestic partners and our domestic partnership was established in California.
- c.  We are domestic partners and our domestic partnership was NOT established in California.

2. **RESIDENCE REQUIREMENTS** (check all that apply):

- a.  Petitioner  Respondent has been a resident of this state for at least six months and of this county for at least three months immediately preceding the filing of this *Petition*. (For a divorce, unless you are in the legal relationship described in 1b., at least one of you must comply with this requirement.)
- b.  Our domestic partnership was established in California. Neither of us has to be a resident or have a domicile in California to dissolve our partnership here.
- c.  We are the same sex, were married in California, but currently live in a jurisdiction that does not recognize, and will not dissolve, our marriage. This *Petition* is filed in the county where we married.  
 Petitioner lives in (specify): \_\_\_\_\_ Respondent lives in (specify): \_\_\_\_\_

3. **STATISTICAL FACTS**

- a.  (1) Date of marriage (specify): \_\_\_\_\_ (2) Date of separation (specify): \_\_\_\_\_  
 (3) Time from date of marriage to date of separation (specify): \_\_\_\_\_ Years \_\_\_\_\_ Months
- b.  (1) Registration date of domestic partnership with the California Secretary of State or other state equivalent (specify below): \_\_\_\_\_  
 (2) Date of separation (specify): \_\_\_\_\_  
 (3) Time from date of registration of domestic partnership to date of separation (specify): \_\_\_\_\_ Years \_\_\_\_\_ Months

4. **MINOR CHILDREN**

- a.  There are no minor children.
- b.  The minor children are:  

<u>Child's name</u>	<u>Birthdate</u>	<u>Age</u>
---------------------	------------------	------------

- (1)  continued on Attachment 4b.      (2)  a child who is not yet born.
- c. If any children were born before the marriage or domestic partnership, the court has the authority to determine those children to be children of the marriage or domestic partnership.
- d. If there are minor children of Petitioner and Respondent, a completed *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105) must be attached.
- e.  Petitioner and Respondent signed a voluntary declaration of parentage or paternity. (Attach a copy if available.)

PETITIONER: RESPONDENT:	CASE NUMBER:
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**Respondent requests that the court make the following orders:**

**5. LEGAL GROUNDS** (Family Code sections 2200–2210; 2310–2312)

- a.  **Respondent contends** that the parties never legally married or registered a domestic partnership.
- b.  **Respondent denies** the grounds set forth in item 5 of the petition.
- c.  **Respondent requests**
  - (1)  Divorce  Legal separation of the marriage or domestic partnership based on
    - (a)  irreconcilable differences. (b)  permanent legal incapacity to make decisions.
  - (2)  Nullity of void marriage or domestic partnership based on
    - (a)  incest. (b)  bigamy.
  - (3)  Nullity of voidable marriage or domestic partnership based on
    - (a)  respondent's age at time of registration of domestic partnership or marriage. (d)  fraud.
    - (b)  prior existing marriage or domestic partnership. (e)  force.
    - (c)  unsound mind. (f)  physical incapacity.

**6. CHILD CUSTODY AND VISITATION (PARENTING TIME)**

	Petitioner	Respondent	Joint	Other
--	------------	------------	-------	-------

- |  |                          |                          |                          |                          |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Legal custody of children to .....                    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Physical custody of children to .....                 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Child visitation (parenting time) be granted to ..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
- As requested in  form FL-311  form FL-312  form FL-341(C)  
 form FL-341(D)  form FL-341(E)  Attachment 6c(1)

**7. CHILD SUPPORT**

- a. If there are minor children born to or adopted by Petitioner and Respondent before or during this marriage or domestic partnership, the court will make orders for the support of the children upon request and submission of financial forms by the requesting party.
- b. An earnings assignment may be issued without further notice.
- c. Any party required to pay support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.
- d.  Other (*specify*):

**8. SPOUSAL OR DOMESTIC PARTNER SUPPORT**

- a.  Spousal or domestic partner support payable to  Petitioner  Respondent
- b.  Terminate (end) the court's ability to award support to  Petitioner  Respondent
- c.  Reserve for future determination the issue of support payable to  Petitioner  Respondent
- d.  Other (*specify*):

**9. SEPARATE PROPERTY**

- a.  There are no such assets or debts that I know of to be confirmed by the court.
- b.  Confirm as separate property the assets and debts in  *Property Declaration* (form FL-160).  Attachment 9b.  
 the following list. Item Confirm to

PETITIONER: RESPONDENT:	CASE NUMBER:
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**10. COMMUNITY AND QUASI-COMMUNITY PROPERTY**

- a.  There are no such assets or debts that I know of to be divided by the court.
- b.  Determine rights to community and quasi-community assets and debts. All such assets and debts are listed
  - in *Property Declaration* (form FL-160).       in Attachment 10b.
  - as follows (*specify*):

**11. OTHER REQUESTS**

- a.  Attorney's fees and costs payable by       Petitioner       Respondent
- b.  Respondent's former name be restored to (*specify*):
- c.  Other (*specify*):

Continued on Attachment 11c.

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

Date:

\_\_\_\_\_  
 (TYPE OR PRINT NAME)

\_\_\_\_\_  
 (SIGNATURE OF RESPONDENT)

Date:

\_\_\_\_\_  
 (TYPE OR PRINT NAME)

\_\_\_\_\_  
 (SIGNATURE OF ATTORNEY FOR RESPONDENT)

**FOR MORE INFORMATION:** Read *Legal Steps for a Divorce or Legal Separation (form FL-107-INFO)* and visit "Families Change" at [www.familieschange.ca.gov](http://www.familieschange.ca.gov) — an online guide for parents and children going through divorce or separation.

**NOTICE:** You may redact (black out) social security numbers from any written material filed with the court in this case other than a form used to collect child, spousal or partner support.

**NOTICE—CANCELLATION OF RIGHTS:** Dissolution or legal separation may automatically cancel the rights of a domestic partner or spouse under the other domestic partner's or spouse's will, trust, retirement plan, power of attorney, pay-on-death bank account, survivorship rights to any property owned in joint tenancy, and any other similar thing. It does not automatically cancel the right of a domestic partner or spouse as beneficiary of the other partner's or spouse's life insurance policy. You should review these matters, as well as any credit cards, other credit accounts, insurance policies, retirement plans, and credit reports, to determine whether they should be changed or whether you should take any other actions. Some changes may require the agreement of your partner or spouse or a court order.

**The original response must be filed in the court with proof of service of a copy on Petitioner.**



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# Choices for Solving Legal Problems without a Court Hearing

## FAMILY COURT

### Alternate Dispute Resolution is a CHOICE in Family Law Cases

"Alternative Dispute Resolution" (ADR) is a term used for ways you can solve problems without going to a formal Court hearing with a Judge. Some choices are explained below. ADR can save you time and money. With ADR, you are likely to feel better about the legal process and how your case is settled.

You can often solve Family Law issues such as child custody, visitation, support, and division of property by agreement instead of by going to a Court hearing.

### TYPES OF RESOLUTION PROCESSES

#### **Custody/Visitation Mediation - Free**

California law says that if parents do not agree upon custody and visitation issues, they must try to settle the issues by going to mediation. Mediation is a way for parents to meet with someone who does not work for either side, to try to agree about their children. Mediation can be done through the Court at Family Court Services or through a mediator you hire on your own. Like any mediation, mediation through Family Court Services is a confidential process - the mediator will not go to a Court hearing to tell the Judge what you or the other parent said in mediation. The mediator can help you and the other parent talk about and decide issues such as how much time the child will spend with each parent, how to best exchange the child, and other custody or visitation issues.

You can schedule Orientation and Mediation by calling Family Court Services at **(408) 534-5760**. Parties must attend an Orientation program before mediation, if they have never been to mediation before.

#### **Personal Property Arbitration – Free**

A volunteer attorney will decide how to divide your personal property, such as furniture. The arbitrations are done at the Family Court and may be scheduled by calling the calendar office at **(408) 882-2900**. Both parties must agree to the arbitration. The arbitrator writes up a decision after each side presents his or her case.

**Early Neutral Evaluation (ENE) - Free**

A volunteer attorney will meet with parties who do not have their own attorneys. The attorney will help them identify and understand what property issues they have and what court processes can help them. The attorney is not either party's attorney. This process is done by agreement only. You can ask for an ENE at your Case Management Conference. You can set up a Case Management Conference by calling **(408) 534-5710 at the Park Avenue Courthouse or (408) 481-3512 at the Sunnyvale Courthouse or (408) 695-5000 at the South County Courthouse.**

**Settlement Officer Conference (SOC) - Free**

The Court has a full time Settlement Officer, whose job is to help parties settle their Family Law Cases free. The Settlement Officer Conference (SOC) focuses on solving property and support issues. The meeting works best when parties have given each other information in advance about their finances and how they think things should be settled. An SOC can be set at any time ***after you have served the Preliminary Declaration of Disclosure on the other party*** by calling the calendar office at **(408) 882-2900.**

**Mediation**

Mediation is a way to reach an agreement with the help of a person who is specially trained to help resolve disagreements. The mediator can help the parties talk with each other clearly and think about options for settlement. Mediators are usually attorneys hired by the parties but they are not the attorney for either party. A mediator can help solve one issue or the whole case. Mediation is private and confidential. Anything that is said or written in the mediation process by the parties is confidential. The mediator may not talk about the case to the Court or anyone else unless the parties and the mediator agree. Agreements reached in mediation can become court orders if both parties agree.

Visit the Court website for a list of Family Law mediators:

<http://www.sccsuperiorcourt.org/family/ADR/default.htm>. You may also contact the ADR Administrator for the Court at **(408) 882-2932.**

**Collaborative Practice**

In the collaborative practice process, each party has a private attorney and each makes a commitment to resolve any disagreements without going to court. The parties and their attorneys have a series of private meetings to create solutions based on the needs of the parties. All parties and their attorneys agree that if the parties cannot settle their case and/or if either party chooses to withdraw from the process and go to court, the collaborative attorneys cannot represent these parties in court.

Visit the Court website for a list of local collaborative law attorneys:

<http://www.sccsuperiorcourt.org/family/ADR/default.htm>. You may also call the ADR Administrator at **(408) 882-2932** for more information.

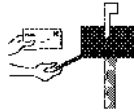
*The Court does not think any form of ADR or any ADR provider is better than another and does not guarantee how your case will work out.*

Clerk stamps date here when form is filed.

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

The server must:

- Be 18 years of age or over.
- Not be listed in items ①, ② or ③ of form DV-100, *Request for Domestic Violence Restraining Order*.
- Mail a copy of all documents checked in ④ to the person in ⑤.



Fill in court name and street address:

**Superior Court of California, County of Santa Clara**  
 Street: 201 N. First St., San Jose, CA 95113  
 Mail: 191 N. First St., San Jose, CA 95113  
 Family Justice Center

Fill in case number:

**Case Number:****4 I (the server) am 18 years of age or over and live in or am employed in the county where the mailing took place. I mailed a copy of all documents checked below to the person in ⑤:**

- a.  DV-112, *Waiver of Hearing on Denied Request for Temporary Restraining Order*
- b.  DV-120, *Response to Request for Domestic Violence Restraining Order*
- c.  FL-150, *Income and Expense Declaration*
- d.  FL-155, *Simplified Financial Statement*
- e.  DV-130, *Restraining Order After Hearing (Order of Protection)*
- f.  Other (specify): \_\_\_\_\_

**5 I placed copies of the documents checked above in a sealed envelope and mailed them as described below:**

- a. Name of person served: \_\_\_\_\_
- b. To this address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_
- c. Mailed on (date): \_\_\_\_\_
- d. Mailed from (city): \_\_\_\_\_ (state): \_\_\_\_\_

**6 Server's Information**

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Telephone: \_\_\_\_\_


If you are a registered 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

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**What do I need to turn in, sell, or store?**

You must turn in, sell, or store all of the following prohibited items that you have or own:

- Firearms, including any handgun, rifle, shotgun, and assault weapon;
- Firearm parts, includes receivers, frames, and any item that may be used as or easily turned into a receiver or frame (also called “ghost guns”); and
- Ammunition, including bullets, shells, cartridges, and clips.

**How do I properly turn in, sell, or store the prohibited items?**

You must take them to:

- Law enforcement, who will accept all prohibited items for safekeeping or to destroy,  
or
- A licensed gun dealer, who can buy or store your firearms. If you have firearm parts or ammunition, call ahead for more information.

**When do I turn in, sell, or store prohibited items?**

Immediately, if law enforcement asks you to. Otherwise, within 24 hours of being served, or told by a judge to do so.

**Can I give my prohibited items to family or friends?**

No, only to law enforcement or a licensed gun dealer. You cannot give your prohibited items to a family member, friend, or anyone else.

**Do I have to pay a fee to store prohibited items?**

You may have to pay a fee. Contact law enforcement or a licensed gun dealer about fees and whether they have space to store your items.

**How do I take prohibited items to law enforcement?**

Call your local law enforcement agency to ask about their procedures. They will give you specific instructions, like making sure your firearms are unloaded and in the trunk of the car. Take a copy of the restraining order with you. **Do not** bring your firearms to court.

**If I turn in my firearms to law enforcement, how long will they keep them?**

It depends. There are procedures for getting your firearms back after a restraining order expires. Ask the law enforcement agency.

**After I give my firearms to law enforcement, can I change my mind?**

Yes. You are allowed to make one sale through a licensed gun dealer. To do this, a licensed gun dealer must present a bill of sale to your local law enforcement agency. The law enforcement agency will give the licensed gun dealer the firearms you are selling.

**How do I prove to the judge that I have complied with (obeyed) the orders?**

- ① Bring a copy of form DV-800/JV-270, *Receipt for Firearms, Firearm Parts, and Ammunition*, with you, and ask the dealer or officer to complete and sign the form.
- ② File form DV-800/JV-270 with the court. Make sure you get two copies. All receipts must be filed with the court within 48 hours from the time you were served with the restraining order, unless the judge gave you another deadline.

**Do I need to bring a copy of the receipt to anyone besides the judge?**

Yes, if:

- ▶ Law enforcement served you with the restraining order, you must give them a copy of your receipt (example: form DV-800/JV-270). If you don't know who served you with the restraining order, ask the court clerk for a copy of the proof of service form for the restraining order. The law enforcement agency is listed on that form.
  
- ▶ You did not obey the order when you were supposed to, and the court notified law enforcement or a prosecuting attorney. (Tip: Look at forms DV-110, DV-130, or DV-820 to see if the court notified another agency. If the court did, give a copy of the receipt to the agencies listed on any of the forms).

**Where can I find free help?**

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

**More information on how to obey these orders is available online**

<https://selfhelp.courts.ca.gov/respond-to-DV-restraining-order/obey-firearms-orders>.



# SUPERIOR COURT OF CALIFORNIA COUNTY OF SANTA CLARA

## How to Safely Turn In Firearms and Ammunition

**Important!** You must call **BEFORE** you bring firearms or ammunition to a law enforcement agency. You have 24 hours from the time you received the restraining order or protective order to call. Follow the steps below.

- 1 Call the Santa Clara County Sheriff's Department or the Police Department where you live. Tell them you have a restraining or criminal protective order and you need to turn in your firearm(s) and ammunition.
- 2 The law enforcement agency will explain where and how to turn in your firearm(s) and ammunition. Some agencies ask you to make two trips: one for the firearm(s) and one for the ammunition. Follow their instructions carefully.
- 3 Law enforcement may ask for:
  - a description of you and your car,
  - your ID, and
  - your court order.

*Here are the non-emergency phone numbers.*

- Campbell Police Dept (408) 866-2101, 866-2102
- Gilroy Police Dept. (408) 846-0300
- Los Altos Police Dept. (650) 947-2779
- Los Gatos/Monte Sereno Police Dept. (408) 354-8600
- Milpitas Police Dept. (408) 586-2400
- Morgan Hill Police Dept. (408) 779-2101
- Mountain View Police Dept. (650) 903-6344
- Palo Alto Police Dept. (650) 329-2406
- San Jose Police Dept. 311 or (408) 277-8900
- San Jose State Univ. Police Dept. (408) 924-2185
- Santa Clara County Sheriff's Office (408) 808-4400
- Santa Clara Police Dept. (408) 615-4700
- Stanford Univ. Dept. of Public Safety (650) 723-9633
- Sunnyvale Dept. of Public Safety (408) 730-7110

**Do not call 911.**  
 Call your local police department  
 or the Santa Clara County  
 Sheriff's Office.

### Follow these Safety Instructions:

- Your firearm(s) must be **unloaded**.
- Place the firearm in your trunk, and lock your **trunk**. If you do not have a trunk, lock your firearm in a container and put it in the **back** of your vehicle out of arm's reach. Do **NOT** put it in your glove compartment! (*Calif. Penal Code § 12026.1(a)*)
- Drive straight to the law enforcement agency. Do not stop anywhere else.
- Park your car where the agency told you to park.
- Call the agency when you get there. They will tell you what to do. If you do not have a cell phone, **leave the firearm in your car** and go inside and ask for instructions.

### If you want to have your firearms and ammunition destroyed:

Follow the safety instructions above. The agency will also ask you to sign a paper that gives them permission to destroy your firearm(s) and ammunition.

### If your firearms are antiques or collector's items:

When you turn in your firearm(s), tell the agency how they should be stored. Some agencies may not be able to follow your storage instructions.

### You have 24 hours to turn in (or sell) your firearms and ammunition.

If the court ordered you to "relinquish" your firearms and ammunition, you have only 24 hours to do so. If you decide to sell them, you must sell them to a **federally licensed** gun dealer. Look in the Yellow Pages or online under "Firearms Dealers." Be sure that the firearm dealer is federally licensed.

## Questions About Safely Turning In Firearms and Ammunition

This information will answer your questions about turning in firearms.  
If you have other questions, call your local police department. (*See other side.*)

### What is a firearm?

Firearms include:

- handguns and pistols,
- rifles and shotguns,
- black powder firearms and muzzle-loading firearms,
- assault weapons, and
- *any* weapon that sends a projectile through a barrel and the weapon's frame or receiver.

### How do I turn in my firearms and ammunition?

You have 2 options:

- You can call your local police department or the Santa Clara County Sheriff's Office and ask for instructions, or
- You can sell them to a *federally licensed* gun dealer. Look in the Yellow Pages or online under "Firearms Dealers."

### How long do I have to turn in my firearms and ammunition?

If the court ordered you to "relinquish" your firearms and ammunition, you only have **24 hours** from the time that you received the restraining order or criminal protective order.

### What if I was ordered to turn in firearms and ammunition on a weekend, can I get more than 24 hours?

No. You only have 24 hours. Law enforcement is available 24/7. See other side for instructions.

### Can I turn in my firearms and ammunition now, and sell them later?

Yes. You can have one sale of the firearms and ammunition. You must use a federally licensed gun dealer for the sale. The gun dealer will give the law enforcement agency a bill of sale for the firearms and/or ammunition. If the paperwork is correct, the law enforcement agency will turn over the guns and/or ammunition to the gun dealer.

### What happens if my firearms have not been registered?

It depends. Not all firearms have to be registered. But, if you did not register a weapon that had to be registered, you may have committed a crime. Talk to a lawyer as soon as possible.

### How long will law enforcement keep my firearms and ammunition?

Usually they keep the firearms and ammunition until your restraining or protective order ends. If they cannot keep them for the whole period, they will let you know in writing so you can make other arrangements.

### Do I have to pay law enforcement to keep my firearms and ammunition?

Maybe. Each agency has its own policy. They will tell you about any fees when you turn them in. They will also let you know in writing if their fees change.

### Can a law enforcement officer take my firearms and ammunition from me?

Yes. If you are involved in domestic violence, the officer can take away your firearms and ammunition. (*Calif. Family Code, § 6389(c)(2)*)

### Can I get my firearms back from law enforcement after the court order ends?

Yes, *if* you are legally allowed to have a firearm. Fill out a Law Enforcement Gun Release (LEGR) Application and send it to the California Department of Justice. You can get the application at: <http://ag.ca.gov/firearms/forms>. You will also have to pay a fee (\$20 for the first firearm and \$3 for each additional firearm).

The Department of Justice will send you a notice within 4-6 weeks to tell you if you are eligible to possess a weapon again. If you are eligible, take that notice to the law enforcement agency where your firearm(s) and ammunition are stored within 30 days of the date on the notice. If you wait more than 30 days, you will have to submit another application.

### Where can I get more information?

You can:

- Call your local law enforcement agency, or
- Read the law (*Calif. Penal Code §§ 12001 and 6389*).
- Contact an attorney.



Clerk stamps date here when form is filed.

Fill in court name and street address:

**Superior Court of California, County of Santa Clara**  
 Street: 201 N. First Street, San Jose, CA 95113  
 Mail: 191 N. First Street, San Jose, CA 95113

Court fills in case number when form is filed.

**Case Number:****1 Person Asking For Protection:**

Name: \_\_\_\_\_

**2 Your Information (Restrained Person)**

a. Your Name: \_\_\_\_\_

b. Your Address

(This address could be used by the court and by the person in ① to send you official court dates, orders, and papers. For privacy, you may use another address like a post office box, or another person's address, if you have their permission and can get your mail regularly. If you have a lawyer, give their information.)

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

c. Your Lawyer (if you have one for this case):

Name: **Self-Represented** State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

**3 To the Restrained Person:**

If a judge has ordered you to turn in, sell, or store your firearms (guns), firearm parts, and ammunition, use this form to prove to the judge that you have obeyed their orders. Take this form to a law enforcement officer or a licensed gun dealer to complete ④ or ⑤. For more information on how to properly turn in your items, read form DV-800-INFO/JV-270-INFO, *How Do I Turn In, Sell, or Store My Firearms, Firearm Parts, and Ammunition?*

**4 To Law Enforcement**

(Complete the section below. Keep a copy and give the original to the person in ②.)

Name of Law Enforcement Agency: \_\_\_\_\_

Name of Law Enforcement Agent: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone number: \_\_\_\_\_ Email address: \_\_\_\_\_

**Items Surrendered**

a. Firearms, firearm parts, and ammunition transferred on:

Date: \_\_\_\_\_ Time: \_\_\_\_\_  a.m.  p.m.

b. List of items. (List all the items surrendered by the person in ②. You may attach a separate form from your agency (e.g., a property report), use ⑥, or both.) Check below if you have attached a separate form:

 Separate form is attached. (If it does not include all surrendered items, list additional items in ⑥.)

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

▶ Signature of law enforcement agent \_\_\_\_\_



**5 To Licensed Gun Dealer**

(Complete the section below. Keep a copy and give the original to the person in (2).)

Name of Licensed Gun Dealer: \_\_\_\_\_

License number: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone number: \_\_\_\_\_ Email address: \_\_\_\_\_

**Items Stored or Sold**

a. Firearms, firearm parts, and ammunition transferred on:

Date: \_\_\_\_\_ Time: \_\_\_\_\_  a.m.  p.m.

b. List of items. (List all the items surrendered by the person in (2). You may attach a separate form (e.g., DOJ's Report of Firearm Acquisition), use (6), or both.) Check below if you have attached a separate form:

Separate form is attached. (If it does not include all surrendered items, list additional items in (6).)

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

Signature of licensed gun dealer \_\_\_\_\_

**6  List of Items Surrendered**

a. Firearms and firearm parts

	Make	Model	Serial Number, if there is one	Sold	Stored	To be destroyed
(1)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(5)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(6)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

b. Ammunition

	Brand	Type	Amount	Sold	Stored	To be destroyed
(1)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(5)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(6)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Check here if there is not enough space above for your answer. Use a separate sheet of paper to list other items and attach it to this form. Use "DV-800/JV-270, List of Surrendered Items" as a title.



**7 To the Restrained Person:**

**Besides the items listed on page 2 or in an attached form, do you have or own any other firearms (guns), firearm parts, or ammunition?**

- No
- Yes *(If yes, check one of the boxes below:)*
  - a.  I filed a *Receipt for Firearms, Firearm Parts, and Ammunition* (form DV-800/JV-270) or other proof for those items with the court on *(date)*: \_\_\_\_\_
  - b.  I am filing the proof for those firearms (guns), firearm parts, or ammunition along with this proof.
  - c.  I have not yet filed the proof for the other firearms (guns), firearm parts, or ammunition. *(Explain why not):*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Your signature**

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

Date: \_\_\_\_\_

\_\_\_\_\_  
*Type or print your name*

▲ \_\_\_\_\_  
*Sign your name*

**Your Next Steps**

- After the form is complete, make two additional copies. Take the copies and original to the court clerk to file.
- If law enforcement served you with the restraining order, give a copy to the law enforcement agency that served you with the restraining order.
- Keep a copy for yourself.

**Note that failure to file a receipt with the court and with the law enforcement agency is a violation of the judge's order.**