

How to File a Domestic Violence Restraining Order

<p>Step 1</p>	<p>Complete the following forms in blue or black ink:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Local form FM-1013 Declaration in Support of Ex Parte Application for Orders <input type="checkbox"/> DV-109 Notice of Court Hearing (Domestic Violence Prevention) <input type="checkbox"/> DV-110 Temporary Restraining Order (CLETS-TRO) (Domestic Violence Prevention) <input type="checkbox"/> DV-100 Request for Domestic Violence Restraining Order <input type="checkbox"/> CLETS-001 Confidential CLETS Information <p>If you have minor children together:</p> <ul style="list-style-type: none"> <input type="checkbox"/> DV-140 Child Custody and Visitation Order <input type="checkbox"/> DV-105 Request for Child Custody and Visitation Orders (if you have minor children together) <p>If the other parent may abduct the children:</p> <ul style="list-style-type: none"> <input type="checkbox"/> DV-108 Request for Orders to Prevent Child Abduction <input type="checkbox"/> DV-145 Order to Prevent Child Abduction <p>If you are asking for spousal support or child support:</p> <ul style="list-style-type: none"> <input type="checkbox"/> FL-150 Income and Expense Declaration (if you are asking for spousal or child support) <p>If you want the Sheriff to try to serve your forms:</p> <ul style="list-style-type: none"> <input type="checkbox"/> SER-001 Request for Sheriff to Serve Court Papers
<p>Step 2</p>	<p>OPTIONAL - Review: Bring your forms to the Restraining Order Help Center at 201 N. First Street, San Jose to have them reviewed to make sure they are filled out correctly.</p>
<p>Step 3 There is no filing fee.</p>	<p>File: Turn in the forms to the Clerk's Office in the Courthouse located at: <p style="text-align: center;">201 North First Street, San Jose, CA 95113</p> <p style="text-align: center;">They open at 8:30am Monday-Friday, closing times are subject to change, visit www.scsccourt.org or call 408-534-5600 for current office hours.</p> <p>The Court Specialist will give you a slip with a reference number to check the status of your request. You will be asked to return the next business day to pick up your filed papers from the Court Specialist.</p> </p>
<p>Step 4</p>	<p>Wait: The Judge will read your forms to decide whether to grant a temporary restraining order pending hearing. This can take 24-48 hours. Check the website to see when your papers are ready or call the Court Specialist at 408-534-5600.</p>
<p>Step 5</p>	<p>Pick up:</p> <ul style="list-style-type: none"> • When your forms are ready, go back to the Clerk's Office and pull a ticket for Restraining Order to pick them up. Your forms will NOT be mailed to you; you must pick them up at the Family Courthouse. • Once you pick up the forms, look at them to see if the Judge granted a temporary restraining order pending your court date, which will also be on the forms. • Keep 1 filed copy for your records. If your request is approved, the Clerk will give you extra copies of your Temporary Restraining Order. You should keep a copy in locations where you are to show law enforcement (car, work, home, etc.).
<p>Step 6</p>	<p>Personal Service – deadline is <u>5 days</u> before your court date:</p> <ul style="list-style-type: none"> • “<i>Personal Service</i>” means: An adult (NOT you or a protected person in the case) must hand-deliver a filed copy of the forms in Step 1, a blank DV-120 and local form FM-1047, to the Restrained Person.

	<ul style="list-style-type: none"> • Whoever serves the forms must complete form DV-200 Proof of Personal Service and give it back to you. • File the original DV-200 and a copy at the Clerk's Office. The clerk will stamp the copy and give it back to you. Keep the copy for your records. • If you asked the Sheriff to serve your forms, the court will forward your forms to the Sheriff's office. You can contact the Sheriff's office at (408) 808-4800 to see if they were able to serve. 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.
Step 7	Go to your court date.

WHEN CAN I ASK FOR A DOMESTIC VIOLENCE RESTRAINING ORDER?

If you and the other party have a close relationship (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, 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 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 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 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. 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