

Santa Clara County
Superior Court

SAMPLE

Domestic Violence Protection Act forms
(Restraining Order)

Without Children

(optional Spousal Support)

Updated 1/17/2024

P PETITIONER=Name of Person Who Started This Case*
 *If you are opening a brand new court case
 RES *If you have a previous court case and don't know, ask Court Staff.
 RESPONDENT=The Other Person's Name In The Case

CASE NUMBER
COURT CASE #'s ONLY
 DO NOT USE POLICE CARD/REPORT #'s

- 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.

TODAY'S DATE

Date

PRINT YOUR NAME

Print Name

SIGN YOUR NAME

Signature of Declarant

PETITIONER=Name of Person Who Started This Case* *If you are opening a brand new court case R *If you have a previous court case and don't know, ask Court Staff. RESPONDENT=The Other Person's Name In The Case	CASE NUMBER
	COURT CASE #'s ONLY DO NOT USE POLICE CARD/REPORT #'s

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.

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: **Your name** (Write it the same way on all your forms)

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: **Restrained Person's name**
(Write it the same way on all your forms)

Court fills in case number when form is filed.

COURT CASE #'s Only
Do NOT use police card/report #'s

③ Notice of Hearing

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

Name and address of court if different from above:



Leave blank, clerk will fill out this section.

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.

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 will still make a decision. After you receive the court's decision, you will receive a copy of the court's decision.

Leave blank, the Judge will fill this section out letting you know whether the court granted, partially granted or denied your Temporary Restraining Order Request.

④ Temporary Restraining Order Request

- a. Temporary Restraining Order Request
- (1) All day, every day
- (2) All day, every day, except on _____
- (3) Part of the day, every day



Case Number:

**COURT CASE #'s Only
Do NOT use police card/report #'s**

- ④ b.
- (1)
- (2)
- (3)

LEAVE BLANK

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- ⑤ **Confidential**
- a.
- b. If the
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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: Leave Blank _____

Leave Blank

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 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: Leave Blank Clerk, by Leave Blank, Deputy

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 **Your name** (Write it the same way on all your forms)

② Restrained Person

***Full Name:** **Name of person you want restrained**
***Gender:** (Write it the same way on all your forms)
***Age:** _____ (e)
 Height: _____
 Hair Color: _____
 Relationship to person in **①**: **How do you know the restrained person?**
 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:
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③ **Other Protected People**

In add **Check this box if other people live with you that need protection too.** rough **⑪**.
 Full name _____ Relationship to person in **①** _____ Age _____

Check here **Check this box is you have more than 4 people that live with you** ther
 Protected Pe **and need protection too. Attach an 8.5" x 11" sheet of paper (not**
binder paper) or ask staff for an additional attachment to add them.

④ Your Hearing Date (Court Date)



LEAVE BLANK

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

This is a Court Order.



Case Number:

**COURT CASE #'s Only
Do NOT use police card/report #'s**

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

Check this box and complete this section if the Restrained Person owns or possesses any firearms, firearm parts or ammunition.

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.



Case Number:

**COURT CASE #'s Only
Do NOT use police card/report #'s**

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.

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



Date:

Time:

Leave blank, if a hearing is needed to review firearm relinquishment compliance, the clerk will fill in a court date here.

8 **Complete items 9 - 20 to ask for the orders you want in place until your hearing date.**

Do not check the boxes labeled "Denied until the hearing" or "Granted as follows", those are for the Judge to complete.

Check the box labeled "Not Requested" next to any orders you are not requesting.

9 **Order to Not Abuse** **Do not check any boxes if you want an order as follows:**

You must not do the following things:

telling the other party not to abuse you.

- 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 person in ② directly or indirectly, by any means, including by telephone, text, email, or social media. **If you do not want the other party to contact you and/or the additional protected persons, check these boxes.**

b. Exception to 10a:

(1) **Complete this section if you want exceptions to the "no-contact" order.** the person in ① only to communicate about your child's education or health care.

(2) the person in ② 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 **300 is the maximum**) _____ yards away from (check all that apply):

Person in ① School of person in ①.
 Home of person in ① Workplace of person in ③.
 Job of person in ① Children's school or child care.
 Vehicle of person in ① Other (explain): _____

Choose the places you want the other party to stay away from.

b. Exception to 11a:

(1) **Complete this section if you want exceptions to the "stay-away" order.** court-ordered visits. You must do so briefly and peacefully.

(2) 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 the person and their belongings out of the home and move out immediately from (address): _____

Complete this section if the other party lives with you and you want them to move out.

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

Complete this section if you want specific orders that are not requested anywhere else on this form. You should review the rest of the form before completing this section.

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 have possession, care, and control of the animal.
 b. You have possession, care, and control of the animal, but you do not have possession, care, and control of the animal for or borrow against the animal.
 c. The person in **1** is given the sole possession, care, and control of the animals listed below.

Complete this section if you have animals you want possession of or need protection for, otherwise mark "Not requested".

Name (or other way to ID animal)	Type of animal	Breed (if known)	Color
Fluffy	Rabbit	Mini Lop	White and Brown
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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

Under **1**, **Complete this section if there is property you want to use or have control of before the hearing, otherwise mark "Not requested". For vehicles, include the license plate or VIN #, otherwise the other may not be enforceable.**

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

The person in **1** **Complete this section if you want the court to require any insurance that is currently in place to remain in place until the court date.** of, or change if any—for whom _____

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

The person in **1** must **Leave blank. This order allows you to record communication that is in violation of the temporary restraining order.**

This is a Court Order.

Case Number:

**COURT CASE #'s Only
Do NOT use police card/report #'s**

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

The person in (1) who owns or controls any property, including a vehicle, or who has a right to use any property, must notify the person in (2) of any change of address. The person in (2) must notify the person in (1) of any change of address. If the person in (1) or (2) is a party to a restraining order, the person in (2) must personally give the information to the person in (1) or contact their lawyer, if they have one.)

Complete this section if you and the other party are married or have a registered domestic partnership and you want the court to grant property restraint orders.

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

The person in (2) who owns or controls any property, including a vehicle, or who has a right to use any property, must notify the person in (1) of any change of address. The person in (1) must notify the person in (2) of any change of address. If the person in (1) or (2) is a party to a restraining order, the person in (2) must personally give the information to the person in (1) or contact their lawyer, if they have one.)

Complete this section if you want the other party to pay for any debts owed before the hearing, otherwise mark "Not requested".

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
- Spousal Support
- Lawyer's Fees and Costs
- Pay Expenses Caused by Abuse
- Batterer Intervention Program
- 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 and pay the fee. If you do not want the sheriff to serve your papers, check the box on this order to the sheriff.

If you have attached any pages to this form, check the box and complete this section.

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: **Leave Blank**

Leave Blank

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: Leave Blank Clerk, by Leave Blank, 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: COURT CASE #'s Only
Do NOT use police card/report #'s

1 Person Asking for Protection

a. Your name: Your Name (write it the same way on all your forms)

b. Your age: How old are you?

c. Address where you can receive court papers
IMPORTANT: Your contact information will be seen by the Restrained Person so use a SAFE mailing address. It cannot be left blank. You do not need to provide a phone number or email address.

Address: List an address where you can receive court papers and is safe for the other party to see.
City: _____

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.)

You may leave this section blank. If you choose to fill it in, only list information that is safe for the other party to see.

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: Name of person you want restrained (write it the same way on all your forms)

b. Age (give estimate if you do not know exact age)
c. Date of Birth
d. Gender
e. Race:
Fill in this section about the person you want restrained.

This is not a Court Order.

Case Number:

**COURT CASE #'s Only
Do NOT use police card/report #'s**

3 Your Relationship to the Person in 2

(If you do not have a child or children together, you may not be eligible for an order. For more information, visit www.courts.ca.gov/restraining-orders.)
(Check all that apply.)

Check all of the boxes below that describe your relationship to the person you want restrained.

Complete the rest of this form. You may visit www.courts.ca.gov/restraining-orders.

- 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):
 - Parent, stepparent, or parent-in-law
 - Child, stepchild, or legally adopted child
 - Child's spouse
 - Brother, sister, sibling, step-sibling, or sibling in-law
 - Grandparent, step-grandparent, or grandparent-in-law
 - 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 other restraining orders or court cases involving you and the person in 2? No Yes (If yes, give information below and attach a copy if you have one.)
Check the box that applies. If "yes", list the date the order was made and the date it expired. Provide a copy to the court, if possible.
 (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 yes, check the box for the type of case then fill in the information about the case (see examples below).)
 - Custody _____
 - Divorce _____
 - Juvenile (child welfare or juvenile justice): _____
 - Guardianship _____
 - Criminal **San Jose, CA; 2020; C1234567**
 - Other (what kind of case?): **Small Claims case; San Jose, CA; 2021; 21SC123456**

This is not a Court Order.



Case Number: _____

COURT CASE #'s Only
Do NOT use police card/report #'s

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 **Answer the questions below about the 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.

Provide a detailed account of the most recent abuse. If you need additional space, you may use form MC-020 or a plain 8.5" x 11" piece of paper, write "DV-100, Item 5 - Most Recent Abuse" at the top of the page. You may also attach supporting documentation such as text message, emails, photos, screenshots from social media postings etc.

- g. How often has the person in (2) abused you like this?

Just this once 2-5 times Weekly _____

Give dates or estimates of when it happened, if known _____

Check the box that describes how often you were abused this way. You may attach a declaration to describe the other times.

This is not a Court Order.



6 If you have been abused in other ways, fill in this section about the 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.

Provide a detailed account of the most recent abuse. If you need additional space, you may use form MC-020 or a plain 8.5" x 11" piece of paper, write "DV-100, Item 6 - Other Abuse" at the top of the page. You may also attach supporting documentation such as text message, emails, photos, screenshots from social media postings etc.

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

Check the box that describes how often you were abused this way. You may attach a declaration to describe the other times.

This is not a Court Order.

Case Number:

**COURT CASE #'s Only
Do NOT use police card/report #'s**

7 **Is there other abuse you want the Judge to know about, fill in this section.**

- 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.

Provide a detailed account of the most recent abuse. If you need additional space, you may use form MC-020 or a plain 8.5" x 11" piece of paper, write "DV-100, Item 7 - Other Abuse" at the top of the page. You may also attach supporting documentation such as text message, emails, photos, screenshots from social media postings etc.

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

Check the box that describes how often you were abused this way. You may attach a paper to describe the other times.

Check here, if you attached any additional pages to describe the abuse.

Check here, if you attached any additional pages to describe the abuse.

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 you checked "yes", list the other people that you want to protect below.

Note: If they do not live with you, they may need to file their own request.

(1) Full name	Age	Relationship to you	Lives with you?
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No

Check 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?

Explain why the people listed above 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 part 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.)

Describe Firearms (Guns), Firearm Parts, or Ammunition Number or Amount Location, if known

(1) _____	If "yes", complete this section about the firearms, firearm parts or ammunition, to the best of your knowledge.	_____
(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, see *Domestic Violence Restraining Order*.)

Check this box if you want the court to order the other party not to contact you or the other protected people.

11 **No-Contact Order**

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

Check this box if you want a stay away order then mark the boxes for the people or places you want the other party to stay away from.

12 **Stay-Away Order**

a. I ask the judge to order the person in (2) to:

(Check all that apply)

- Me.
- My home.
- My job or workplace.
- My vehicle.
- My school.
- Each person in (8).
- My children's school or childcare.
- Other (please explain): _____

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 want the person in (2) to live with you? **If you asked for a stay away order, answer questions "c." and "d."**

- 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)

Check this box if you live with the other party and want the court to order them to move out. Fill in the address and mark the boxes to indicate why you have the right to live there.

b. I have a

(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.):

Check this box to ask for other orders that were not requested above. Describe the order you are requesting.

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** **Check this box and complete this section if you have animals that need to be protected from the other party.**

a. (You need to list all animals.)

Name (or other way to ID animal)	Type of animal	Breed (if known)	Color
(1) Fluffy	Rabbit	Mini Lop	Brown and White
(2) _____	_____	_____	_____
(3) _____	_____	_____	_____
(4) _____	_____	_____	_____

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

Check the boxes for the orders you are requesting

- (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):

- I purchased these animals.
- Other (please explain): _____

Complete this section to explain why you have the right to request these orders.

17 **Control of Property**

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

Check this box and complete this section if there are things you want to use and have control of after the hearing including mobile devices. For vehicles, include the license plat or VIN #, otherwise the other may not be enforceable.

b. Explain why:

18 **Health Insurance** **Check this box if you are asking the other party to maintain any insurance policies that are currently in place.**

I ask the judge to order 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 to not

Check this box if you are married to or have a registered domestic partnership with the other party.

any possessions to order the person

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

(Usually you ask

The court usually requires service to be completed at least 5 days before the hearing date. If you think you should be able to give less notice, complete the section and explain why.

of your request. If more time):

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

(If you ask for the debt to be paid for the person in 2, I ask

Check this box if you are asking for the other party to pay specific debts after the hearing. You need to list the debt and explain why they should have to pay it. For example, if you own a car together and you need the other party to associated loan payments until you go to court. This section is NOT for money owed due to the abuse such as damaged property, medical care, counseling etc.

amount can be effect: e: e: e:

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 were the result of the other party's abuse. If you ask for a special decision, you may help you defend a

Do you want a special decision?

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 court to order the other party to pay for my damages or expenses. Pay to: _____ Pay to: _____

Check this box and complete this section, if you want the other party to pay for any damages or expenses you incurred due to the other party's abuse. For example, if the other party broke your phone during the abuse, you may ask the court to pay for the broken phone.

aged court date. _____

(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 court to order the other party to pay for my support.

Check this box and complete form FL-150 if you and the other are married or registered domestic partners and you are asking for spousal support.

(26) Lawyer's Fees and Costs

I ask the court to order the other party to pay my lawyer's fees and costs.

Check this box if you plan on hiring a lawyer and want the court to order the other party to pay your lawyer's fees and costs.

es and costs and the an afford to pay.)

(27) Battered Person Intervention Program

I ask the court to order the other party to complete a 52-week Battered Person Intervention Program.

Check this box if you are asking for the other party to complete a 52-week Battered Person Intervention Program.

(The goal of the program is to help people who have been battered by their partners, family members, 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) has control of your wireless phone account, 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):

Check this box if you are asking for the other party to transfer billing responsibility for any phone numbers listed in this section.

er number or want to have

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.



Case Number:

**COURT CASE #'s Only
Do NOT use police card/report #'s**

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:

How many additional pages are attached?

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:

Today's date

Print your name

your name

Sign your name

Sign your name

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

Date:

Self-Represented

Lawyer's name

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.

CA Your last name and Restrained Person's last name

CASE #:

LEAVE BLANK
The Clerk will fill this in.

Check the applicable box(es)

DV-100, DESCRIBE ABUSE

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

READ THIS FIRST BEFORE FILLING OUT THIS FORM!

You may use this page to continue your description of abuse from items 5, 6 or 7 of the DV-100 or you may write about other past abuse. Your declaration should describe everything that the Restrained Person has said or done to you to make you want this restraining order. The court will use this declaration to decide whether or not to grant a temporary and/or permanent restraining order.

Although the court is mainly interested in what has happened in the past three months, you should also write about past abuse. Write about the most recent abuse first.

You may also attach other documentation to help support what you are saying the other person is saying or doing to you (for example: text messages, emails, photos of personal injury or property damage, social media postings, letters, etc).

If you need more room, attach a regular sheet of 8.5" x 11" paper (NOT binder paper) or ask staff for extra pages.

18
19
20
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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.

**Your Case Number, if you have one
Do NOT list police report #'s**

**Date this form
is turned in**

Date received by court: _____

1 Person You Want a Restraining Order Against

*Name: **Restrained Person's Name and Address** Address: _____

City: _____ State: _____ Zip: _____

Other names used: **List any other names the Restrained Person uses, DOB and gender** D.O.B.: _____ Gender: _____

Marks, scars, or tattoos: _____

Telephone: _____

Vehicle type: _____

Name of employer: _____

Does the person speak any language other than English? _____

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

No

Yes

If the Restrained Person have any firearms, firearm parts or ammunition, describe what items they have in as much detail as possible and indicate where they are kept, if known.

2 *Your Name: **Your Name**

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

3 Your information

*Age: _____ X (nonbinary)

Race: _____

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

4 Other People You Want Protected

*Name: _____ **If you asked to protect additional people, you must list them here. Complete the information as fully as possible. The items in bold are mandatory.** Birth: _____

*Name: _____ Birth: _____

*Name: _____ Gender: _____ Race: _____ Date of Birth: _____

*Name: _____ *Gender: _____ Race: _____ Date of Birth: _____

Check and attach _____ of paper and write "Item 3" at the top
If you are asking to protect more than 4 additional people, ask the Restraining Order Help Center staff for an attachment.

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