

SAMPLES

DV ANSWER PACKET

Rev. 1/1/2024

Please use the following samples to help you fill out the blank forms.

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:

Your Case Number

1 Name of Person Asking for Protection:

Protected Person's Name

2 Your Name: 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: **Your Address (you may use a mailing address)**

City: _____ State: _____ Zip: _____

! Your contact information (optional)

(The court could use your contact information to contact you. If you do not want the other party to have this information, leave it blank. **Your Contact Information (you may leave this blank if you do not want the other party to have it)** have this information, their information.)

Email Address: _____

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
person
in ①

You will look at form DV-100 to answer the following questions.

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i, and the "person

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

Use this section to correct or add information about yourself.

⑤ Your Relationship to the Person in ①

Did the DV-100 correctly describe your relationship with the person in (1)? If not, describe your relationship here.

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

Use this section to let the court know about any cases or restraining orders not listed on the DV-100.

g you. If information is incorrect

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 DV-100 lists other people to be protected, mark the box to indicate whether you agree or disagree. If you disagree, explain why. If you agree to a different order, describe the order.

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)

If the DV-100 asks for an order not to abuse, mark the box to indicate whether you agree or disagree. If you disagree, explain why. If you agree to a different order, describe the order.

This is not a Court Order.



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

If the DV-100 asks for a no-contact order, mark the box to indicate whether you agree or disagree. If you disagree, explain why. If you agree to a different order, describe the order.

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

If the DV-100 asks for a stay-away order, mark the box to indicate whether you agree or disagree. If you disagree, explain why. If you agree to a different order, describe the order.

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

If the DV-100 asks for an order to move out, mark the box to indicate whether you agree or disagree. If you disagree, explain why. If you agree to a different order, describe the order.

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

If the DV-100 asks for other orders in item 14, mark the box to indicate whether you agree or disagree. If you disagree, explain why. If you agree to a different order, describe the order.

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

If the DV-100 asks for a child custody and visitation order, mark the box to indicate whether you agree or disagree. If you disagree, ask staff for form DV-125.

(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)

If the DV-100 asks to protect animals, mark the box to indicate whether you agree or disagree. If you disagree, explain why. If you would agree to a different order, describe the order.

15 **Control of Property** (see item 17 on form DV-100)

If the DV-100 asks for control of property, mark the box to indicate whether you agree or disagree. If you disagree, explain why. If you would agree to a different order, describe the order.

16 **Health and Other Insurance** (see item 18 on form DV-100)

If the DV-100 asks for orders about health and other insurance, mark the box to indicate whether you agree or disagree. If you disagree, explain why. If you would agree to a different order, describe the order.

17 **Record Communications** (see item 19 on form DV-100)

If the DV-100 asks to be able to record unlawful communication, mark the box to indicate whether you agree or disagree.

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

If the DV-100 asks for property restraint orders, mark the box to indicate whether you agree or disagree. If you disagree, explain why. If you would agree to a different order, describe the order.

19 **Pay Debt (Bills) Owed for Property** (see item 22 on form DV-100)

If the DV-100 asks for debt payment, mark the box to indicate whether you agree or disagree. If you disagree, explain why. If you would agree to a different order, describe the order.

This is not a Court Order.



- 20 Pay Expenses Caused by the Abuse** (see item 23 on form DV-100)

If the DV-100 asks you to pay for expenses caused by abuse, mark the box to indicate whether you agree or disagree. If you disagree, explain why. If you would agree to a different order, describe the order.

- 21 Child Support** (see item 24 on form DV-100)

If the DV-100 asks for child support, mark the box to indicate whether you agree or disagree. Or if you agree to pay guideline child support.

www.courts.ca.gov/selfhelp-support.htm)

- 22 Spousal Support** (see item 25 on form DV-100)

If the DV-100 asks for spousal support, mark the box to indicate whether you agree or disagree. If you disagree, explain why. If you would agree to a different order, describe the order.

- 23 Lawyer's Fees and Costs**

If you want to ask for the other party to pay your lawyer's fees and costs, mark box "23" and check the box below. The court can only grant this request if the three criteria listed here are met. Your declaration should include information about why you believe this request was either frivolous or done only to abuse, intimidate or cause unneeded delay AND why you believe the person in (1) and afford to pay 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)

If the DV-100 asks the court to order a Batterer Intervention Program, mark the box to indicate whether you agree or disagree. If you disagree, explain why. If you would agree to a different order, describe the order.

This is not a Court Order.



25 **Transfer Wireless Phone Account** (see item 28 on form DV-100)

If the DV-100 asks to transfer a wireless phone account, mark the box to indicate whether you agree or disagree. If you disagree, explain why. If you would agree to a different order, describe the order.

26 **Firearms (Guns), Firearm Parts, or Ammunition** (see item 29 on form DV-100)

Complete this section to let the court know whether you own any guns, firearms or ammunition. If you do, you must should proof they were turned in, sold or stored with law enforcement or a licensed gun dealer. If you are asking for an exemption, mark box "c" and explain why. You should read Family Code 6389(h) to understand when this applies.

- 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)

If the DV-100 asks to prohibit you from looking for the protected person(s), mark the box to indicate whether you agree or disagree. If you disagree, explain why. If you would agree to a different order, describe the order.

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):

Use this section to explain why you do not agree with the request. You may attach additional 8.5" x 11", single-sided pages if needed. You may ask staff for additional pages.

- 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.



Case Number:

Your Case Number

29 **My Out-of-Pocket Expenses**

If you are asking for out-of-pocket expenses, fill in this section.

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: **# of pages attached**

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:

Today's Date

Print Your Name

Type or print your name

Sign Your Name

Sign your name

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

Date: _____

Self-Represented

Lawyer's name

Lawyer's signature

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.

DV-250

Proof of Service by Mail

Clerk stamps date here when form is filed.

**SAMPLE
ONLY
Do not write
on this copy!**

1 Name of Person Asking for Protection:

Protected Person's Name

2 Name of Person to Be Restrained:

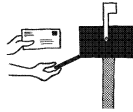
Print Your Name

3 Notice to Server

The server must:

Read this information

- 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

ASK STAFF TO STAMP
CORRECT COURTHOUSE
ADDRESS HERE.

Fill in case number:

Your 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. This form is to be completed by the person (Server) who mailed a copy of your response to the Protected Party.
- b. Temporary Restraining Order
- c. Restraining Order
- d. Restraining Order
- 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: Protected Person's name and address (use the address listed on their forms, if you do)
- b. To the: not know their current address
- City: _____ State: _____ Zip: _____
- c. Mailed on (date): Date forms were mailed
- d. Mailed from (city): City where papers were placed in the mail (state) State where papers were placed in the mail

6 Server Name: Name of server (person who mailed your forms to the other party)

Address: Server's address

City: _____ State: _____ Zip: _____

Telephone: Server's phone number

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

Date: Date server signs this form

Server's name

Type or print server's name

Server's signature

Server to sign here