



Judicial Council of California · Administrative Office of the Courts

455 Golden Gate Avenue · San Francisco, California 94102-3688

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on: April 25, 2014

Title

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders

Agenda Item Type

Action Required

Effective Date

July 1, 2014

Rules, Forms, Standards, or Statutes Affected

Amend rule 5.630; revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252, DV-800-INFO/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255

Date of Report

April 23, 2014

Contact

Tamara Abrams, 415-865-7712
tamara.abrams@jud.ca.gov

Recommended by

Family and Juvenile Law Advisory Committee

Hon. Kimberly J. Nystrom-Geist, Cochair

Hon. Jerilyn L. Borack, Cochair

Kerry Doyle, 415-865-8791

kerry.doyle@jud.ca.gov

Executive Summary

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective July 1, 2014, amend a juvenile law rule and revise restraining order forms used in Domestic Violence Prevention Act and juvenile law cases to implement recently enacted legislation and to respond to suggestions from judicial officers, court professionals, and members of the public.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council of California, effective July 1, 2014, revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252, DV-800-INFO/JV-252-INFO, JV-200, JV-205, JV-247,

JV-250, and JV-255 and amend rule 5.630, to implement recently enacted legislation and to respond to suggestions from judicial officers, court professionals, and members of the public.

Previous Council Action

The Judicial Council has adopted forms for use in family law Domestic Violence Prevention Act (DVPA) and juvenile restraining order matters. The restraining order forms are required by statute.¹ The forms have been revised from time to time to reflect changes in the law and to respond to suggestions from judicial officers, court professionals, and members of the public. The last significant restraining order forms revision was effective January 1, 2012 to implement Assembly Bill 1596 (Stats. 2010, ch. 572).

Rationale for Recommendation

The recommendation revises certain forms used in DVPA and juvenile law cases and amends a juvenile law rule to implement recently enacted legislation.² A summary of the legislation is set forth below. In addition, the recommendation revises two DVPA forms to remedy significant problems as described in this report.

Assembly Bill 539 (Stats. 2013, ch. 739)³ added section 29830 to the Penal Code effective January 1, 2014. It allows a person who is required to relinquish a firearm pursuant to any law to pay a gun dealer to hold the firearm during the duration of the order. A person subject to a DVPA order is required to relinquish any firearm in his or her immediate possession or control unless the person qualifies for a specified exemption (Fam. Code, § 6389(c), (h)). This bill requires revisions to the DVPA and juvenile law forms as specifically noted in this report.

Assembly Bill 161 (Stats. 2013, ch. 261)⁴ adds section 6325.5 to the Family Code effective July 1, 2014. It authorizes the court to issue a DVPA order restraining any party from cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance or other coverage held for the benefit of the parties, or their child or children if any, for whom support may be ordered, or both. This bill requires revisions to the DVPA forms.

¹ See Fam. Code, §§ 6226, 6380(f).

² In developing the revised forms, the committee was assisted by the Protective Orders Working Group that comprises members from the Family and Juvenile Law Advisory Committee, the Civil and Small Claims Advisory Committee, the Criminal Law Advisory Committee, the Probate and Mental Health Advisory Committee, and the Violence Against Women Education Project Planning Committee. In a separate report, the Civil and Small Claims Advisory Committee is recommending revisions to many of the civil restraining order forms.

³ The text of AB 539, as chaptered, may be viewed at http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB539

⁴ The text of AB 161, as chaptered, may be viewed at http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB161

Assembly Bill 176 (Stats. 2013, ch. 263)⁵ amends several sections of the Family and Penal Codes effective July 1, 2014, to change the enforcement priority of protective orders. The bill provides that an *Emergency Protective Order* (form EPO-001) that is in effect between the same parties and is more restrictive than other restraining orders takes precedence over all other restraining orders. (Pen. Code, § 136.2(c)(1)(A).) A no-contact order in any protective order has precedence over any other restraining or protective order except an EPO. If none of the restraining orders includes a no-contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. (Pen. Code, § 136.2(e)(2).) If more than one civil restraining order has been issued, the one that was issued last must be enforced. This bill requires revisions to the DVPA and juvenile law forms as specifically noted in this report.

Assembly Bill 157 (Stats. 2013, ch. 260)⁶ amends section 6320 of the Family Code effective July 1, 2014. The amendment authorizes a court to issue an ex parte order prohibiting a party from credibly impersonating, as described in section 528.5 of the Penal Code, or falsely personating, as described in section 529 of the Penal Code, the other party or named family or household members. This bill requires revisions to the DVPA forms.

Statutorily required revisions to DVPA forms

DV-100 (Request for Order). The recommendation implements AB 157 by adding text to item 6 of the form. The legislation authorizes a court to issue an ex parte order prohibiting a party from “credibly impersonating as described in Section 528.5 of the Penal Code or falsely personating as described in Section 529 of the Penal Code” the other party or named family or household members. The committee recommends the addition of the text “impersonate (on the Internet, electronically or otherwise)” to implement the statute, rather than restating the statute verbatim.

The recommendation implements AB 539 by including, at item 9, the option for the restrained person to store his or her prohibited firearm with a licensed gun dealer.

The recommendation implements AB 161 by including a discretionary provision at item 18 for the petitioner to ask the court to order the restrained party from cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance or other coverage that benefits the petitioner or the parties’ children.

DV-110 (Temporary Restraining Order). The recommendation implements AB 539, AB 161, and AB 176 as noted in the description of revisions to DV-100 set forth above. Implementation of the legislation requires the addition of another page to the form.

⁵ The text of AB 176, as chaptered, may be viewed at http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB176

⁶ The text of AB 157, as chaptered, may be viewed at http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB157

Revised Page 4

The recommendation implements AB 157 by adding text on enforcement priority of restraining orders to the section on information for law enforcement officers.

In addition to the legislatively mandated revisions, the committee recommends adding a notice to the restrained person, in item 9, to bring a filed copy of the firearm relinquishment receipt to the court hearing as required by Family Code section 6389(c)(2)(a).

DV-120 (Response to Request for Domestic Violence Restraining Order). The recommendation implements AB 539 at item 9 by including the option for the restrained person to store his or her prohibited firearm with a licensed gun dealer. The recommendation implements AB 161 at item 18 with an option for the respondent to agree or disagree with the requested order prohibiting changes to insurance coverage.

DV-120-INFO (How Can I Respond to a Request for Domestic Violence Restraining Order?). The recommendation implements AB 539 at the third question on page 2 by including the option for the restrained person to store his or her prohibited firearm with a licensed gun dealer.

DV-130 (Restraining Order After Hearing). The recommendation implements AB 157, AB 161, AB 176, and AB 539 as noted in the description of revisions to forms DV-100 and DV-110 as set forth above.

In addition to the legislatively mandated revisions, the committee recommends adding item 9d to clarify whether the restrained person qualifies for an exemption from the firearm relinquishment requirement under Family Code section 6389(h).

DV-800/JV-252 (Proof of Firearms Turned In, Sold, or Stored). The recommendation implements AB 539 by including the option for the restrained person to store his or her firearm with a licensed gun dealer. The recommendation also corrects the reference to the form number at item 3. The committee recommends changing the format of the form to that of form CH-800 (*Proof of Firearms Turned In, Sold, or Stored*), which is a two-page firearm receipt that includes additional information.

DV-800-INFO/JV-252-INFO (How Do I Turn In, Sell, or Store My Firearms?). The recommendation implements AB 539 by revising the form's title and text to include the option for the restrained person to store his or her firearm with a licensed gun dealer.

Statutorily required revisions to juvenile law rule and forms

The recommendation implements AB 539 and AB 176 by amending rule 5.630 and revising *Custody Order—Juvenile—Final Judgment* (form JV-200), *Visitation Order—Juvenile* (form JV-205), *Answer to Request for Restraining Order—Juvenile* (form JV-247), *Notice of Hearing and Temporary Restraining Order—Juvenile* (form JV-250), *Proof of Firearms Turned In, Sold, or*

Stored (form DV-800/JV-252), *How Do I Turn In, Sell, or Store My Firearms?* (form DV-800-INFO/JV-252-INFO), and *Restraining Order—Juvenile* (form JV-255).

Rule 5.630. The recommendation implements AB 539 by amending the rule governing restraining orders in juvenile court cases to reflect the new title of *Proof of Firearms Turned In, Sold, or Stored* (form DV-800/JV-252). The committee recommends referencing the proposed firearms relinquishment rule, proposed rule 5.495 (which is presented in a different report on this meeting’s agenda). If rule 5.495 is not adopted by the Judicial Council, the reference to it in rule 5.630 will be removed. The committee further recommends removing the subdivision governing the enforcement precedence of conflicting restraining orders. The enforcement priority of restraining orders in AB 157 applies to law enforcement officers and is therefore not appropriate in a rule of court that addresses court procedures.

JV-200 (Custody Order—Juvenile—Final Judgment). The recommendation implements AB 157 by adding text on enforcement priority of conflicting restraining orders and labeling it as information for law enforcement officers. This form did not circulate for public comment; however, the language about priority of conflicting orders did circulate for public comment in other forms. The committee decided that this change to the form was a minor substantive change that is unlikely to create controversy and recommends that the council revise the form without circulating it for comment.⁷

JV-205 (Visitation Order—Juvenile). The recommendation implements AB 157 by adding text on enforcement priority of conflicting restraining orders and labeling it as information for law enforcement officers. In response to a commentator, this recommendation also adds an item to the form to list the names of the child or children who are subject to the visitation order. This form did not circulate for public comment; however, the language about priority of conflicting orders did circulate for public comment in other forms. The committee decided that these changes to the form were minor substantive changes that are unlikely to create controversy and recommends that the council revise the form without circulating it for comment.⁸

JV-247 (Answer to Request for Restraining Order—Juvenile). This form did not circulate for public comment, but the committee recommends that the option to store guns be included in the instructions in item 6, consistent with the other protective order forms that did circulate for public comment. Additionally, the committee recommends that the instructions in item 6 be revised to include both types of restraining order forms, forms JV-250 and JV-255. The committee decided that both of these changes to the form were minor substantive changes that are unlikely to create controversy and recommends that the council revise the form without circulating it for comment.⁹

⁷ Cal. Rules of Court, rule 10.22(d).

⁸ *Id.*

⁹ *Id.*

JV-250 (Notice of Hearing and Temporary Restraining Order—Juvenile). The recommendation implements AB 539 by including, at item 8, the option for the restrained person to store his or her prohibited firearm with a licensed gun dealer.

The recommendation implements AB 157 by adding text on enforcement priority of conflicting restraining orders to the section on information for law enforcement officers.

DV-800/JV-252 (Proof of Firearms Turned In, Sold, or Stored). The recommendation implements AB 539 by including the option for the restrained person to store his or her firearm with a licensed gun dealer. The recommendation also corrects the reference to the form number at item 3. The committee recommends changing the format of the form to that of form CH-800 (*Proof of Firearms Turned In, Sold, or Stored*), which is a two-page firearm receipt that includes additional information.

DV-800-INFO/JV-252-INFO (How Do I Turn In, Sell, or Store My Firearms?). The recommendation implements AB 539 by amending the title of the form and text in the form to include the option for the restrained person to store his or her firearm with a licensed gun dealer.

Revisions to forms to address significant problems

The committee recommends revising two DVPA forms to respond to concerns that text on the forms currently in use, as noted below, causes significant problems for the public that should be remedied. The revisions are not legislatively mandated.

DV-180 (Agreement and Judgment of Parentage). The committee recommends adding the conclusive presumption that the mother was not married to another person when the children were conceived at item 3b5. In addition, the committee recommends adding the full name of the child in item 11a to avoid rejection of the form by the vital records office.

DV-710 (Notice of Hearing to Renew Restraining Order). The committee recommends revising the form to clarify that the underlying restraining order will terminate on the expiration date of the order or the hearing date, whichever is later.

Comments, Alternatives Considered, and Policy Implications

The proposal was circulated to the standard mailing lists for family and juvenile law proposals during the regular winter comment cycle from December 13, 2013 to January 24, 2014. Included on the lists were appellate presiding justices, appellate court administrators, trial court presiding judges, trial court executive officers, judges, court administrators and clerks, attorneys, social workers, probation officers, and other family law professionals, such as family law facilitators. The committee also sought comment from legal aid attorneys and attorneys working for domestic violence victim support agencies in the greater San Francisco Bay Area, the California Department of Justice (DOJ), and law enforcement agencies identified by the California DOJ. The committee received comments from 14 commentators. Two of the commentators agreed

with the proposal, seven of the commentators agreed with the proposal if modified, and five commentators did not state a position. A chart presenting the comments and the committee's responses is attached at pages 58–125.

No alternatives were considered for the revisions to the restraining order forms that are necessary to comply with recent changes in the law. In addition to the legislatively mandated revisions, the committee considered technical and substantive revisions needed to remedy significant problems on two forms as described in the Rationale section of this report.

Comments on storing firearm with dealer

Assembly Bill 539 (Stats. 2013, ch. 739) adds section 29830 to the Penal Code effective January 1, 2014. It allows a person who is required to relinquish a firearm pursuant to any law to pay a gun dealer to hold the firearm during the duration of the order. In response to a comment, the committee recommends clarifying that item 9c on form DV-120 include the check boxes for the restrained person to indicate whether the firearm storage, sale, or relinquishment receipt is attached to the response or was already filed with the court. The recommended changes to 9c combine information that was previously presented in 9c and 9d.

One commentator suggested that since item 8a on JV-250 indicates that the restrained party cannot own a firearm, it needs to be clear that storing a firearm with a licensed gun dealer is an alternative to the requirement to “not own” any firearms. Family Code section 6389 prohibits a person who is subject to a restraining order from owning guns. The committee decided that any confusion about this prohibition and the option to store guns needs to be resolved by the Legislature.

Comments on prohibiting changes to insurance coverage

Assembly Bill 161 (Stats. 2013, ch. 261) adds section 6325.5 to the Family Code effective July 1, 2014. It authorizes the court to issue a DVPA order restraining any party from cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance or other coverage held for the benefit of the parties, or their child or children, if any, for whom support may be ordered, or both. The statute requires revisions to forms DV-100, DV-110, DV-120 and DV-130. One commentator noted that the text circulated for comment could extend protections beyond what is statutorily specified. The commentator noted that the statute is unclear about whether it extends the protections only to married parties or to anyone who files a request under the DVPA. In response, the committee recommends revising the text so that it restates the statute verbatim.

Comments on enforcement priority of restraining orders

Assembly Bill 176 (Stats. 2013, ch. 263) amends several sections of the Family and Penal codes to change the enforcement priority of protective orders effective July 1, 2014. The recommendation implements AB 176 by adding text to the section on information for law enforcement officers on forms DV-110, DV-130, and JV-250. The proposed text generated significant comment. One commentator suggested changing the wording from “has precedence

in enforcement over” to “the order must be enforced before”; another commentator asked if the recommended text could be less complex. The committee notes that the underlying legislation is complex and does not lend itself to a simple statement. The suggested text could be interpreted to mean that there are always prior orders that must be enforced when, in fact, there may be no prior orders or prior orders that are no longer enforceable. The committee prefers the text that was circulated for comment.

One commentator requested reinstatement of the warnings and notices to the restrained person and instructions to law enforcement that had been removed in a previous revision of form DV-110 due to space considerations. The committee agrees that the advisories on the orders (form DV-110 and form DV-130) should be consistent when space allows and reinstated these advisements to the version of form DV-110 provided to the council in this report.

Comments on prohibiting impersonation

Assembly Bill 157 (Stats. 2013, ch. 260) amends section 6320 of the Family Code effective July 1, 2014. The amendment authorizes a court to issue an ex parte order prohibiting a party from credibly impersonating, as described in section 528.5 of the Penal Code, or falsely personating, as described in section 529 of the Penal Code, the other party or named family or household members. The proposal implements AB 157 by adding text to item 6 on forms DV-100, DV-110, and DV-130. The committee carefully considered the legislation and recommends the addition of the text “impersonate (on the Internet, electronically or otherwise)” to implement the statute, rather than restating the statute verbatim.

One commentator agreed with the approach, noting that the term “impersonate” is more comprehensible than restating the statutory language. Another commentator noted that although the recommended text explains *how* a person may be impersonated (on the Internet, electronically or otherwise), it would be helpful if the term were also defined as “to otherwise cause someone to reasonably believe that the person in (2) is me or someone listed in (3).” The committee notes that the suggested text would lengthen considerably the enumerated list of prohibited activities without substantially enhancing comprehension and could cause confusion.

Comments on check box for personal conduct order

The committee specifically sought comment on the proposal to remove check boxes at item 6 on forms DV-100, DV-110, and DV-130 to clarify that these orders are always granted when the court issues a restraining order. Two commentators responded to this query. One noted that the removal of a check box indicates a mandatory order. The other commentator agreed with the concept but noted that there is a tendency to look for the checked boxes in a form, to see what provisions were ordered and applicable. The commentator noted that standard language that is not “checked” may be overlooked. In addition, the commentator suggested a reorganization of item 6 on form DV-110 to move the check boxes for “Not Requested,” “Denied until the hearing,” and “Granted” down under item 6a. The committee does not recommend removing the check boxes at this time, due to the possibility for confusion, and will consider the comments when the forms are next revised.

Other comments

In response to public comments, the committee recommends revisions on all of the forms to improve grammar, readability and consistency.

One commentator noted that there is no obvious way on form DV-100 for a petitioner to seek a hearing without also seeking temporary orders pending the hearing. The commentator requested a check box on form DV-100 to clarify this option. The committee notes that the overwhelming majority of petitioners seek temporary orders pending a hearing. The committee considered the commentator's proposed check box and decided that it could cause confusion and result in a failure to seek a temporary order. In the unusual circumstance when a litigant seeks a hearing without a temporary order, the petitioner should note that request in the "Other orders" section on form DV-100 (item 22 on the revised form) and specify that the request is only for a hearing, without temporary orders, so that the court will schedule the requested hearing.

In response to a public comment, the committee recommends clarifying the section on immigration status on page 3 of form DV-120-INFO.

Comments were favorable to the proposed revisions to form DV-180. In response to a public comment, the committee recommends a requirement to specify the father's name at item 11b(1).

In response to a comment on form DV-710 the committee recommends adding a court clerk seal as required for all other restraining orders.

The committee sought public comment on whether the public prefers the format of existing form DV-800/JV-252 (currently a one-page form) or that of form CH-800, which is a two-page firearm receipt that includes additional information. All commentators who responded to this question indicated their preference for the two-page format of CH-800. The committee recommends the two-page format so that all of the firearm receipts are the same across different restraining order case types.

The committee also sought comment on whether there should be a section on form DV-800/JV-252 for the restrained person to declare that he or she does not possess, own, or control any firearms. All commentators indicated their approval for this approach. The committee appreciates the comments and will consider revising the form, in coordination with other advisory committees, in the future. The committee notes that there is no urgency to include such a statement because the restrained person has an opportunity to make such a declaration on form DV-120 (item 9 of that form).

Implementation Requirements, Costs, and Operational Impacts

Costs for the courts to implement the recommendation include photocopying and education of court personnel. All but two of the forms include revisions mandated by law. The two revised

forms not legislatively mandated include revisions to address significant problems, as identified by court personnel.

Attachments

1. Cal. Rules of Court, rule 5.630, at page 11
2. Forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255, at pages 12–57
3. Comment chart, at pages 58–125

Rule 5.630 of the California Rules of Court is amended, effective July1, 2014, to read:

1 **Rule 5.630. Restraining orders**

2

3 ~~(a)–(f)~~ * * *

4

5 **(g) Service of restraining order**

6

7 When service of *Notice of Hearing and Temporary Restraining Order—Juvenile* (form JV-
8 250) or *Restraining Order—Juvenile* (form JV-255) is made, it must be served with a
9 blank *Proof of Firearms Turned In, ~~or Sold,~~ or Stored* (form DV-800/JV-252) and *How Do*
10 *I Turn In, ~~or Sell,~~ or Store My Firearms?* (form DV-800-INFO/JV-252-INFO). Failure to
11 serve form JV-252 or JV-252-INFO does not make service of form JV-250 or form JV-255
12 invalid.

13

14 **(h) Firearm relinquishment**

15

16 The firearm relinquishment procedures in rule 5.495 apply to restraining orders issued
17 under section 213.5.

18

19 ~~(h)(i)~~ * * *

20

21 ~~(i)(j)~~ * * *

22

23 ~~(j)(k)~~ * * *

24

25 ~~(k) Restraining orders issued by other courts~~

26

27 ~~(1) A restraining order issued by the juvenile court under section 213.5 takes precedence~~
28 ~~over any other court order except the following:~~

29

30 ~~(A) A conflicting criminal court order; or~~

31

32 ~~(B) An Emergency Protective Order that is more restrictive than the juvenile court~~
33 ~~order.~~

Clerk stamps date here when form is filed.

DRAFT NOT APPROVED BY THE JUDICIAL COUNCIL

You must also complete Form CLETS-001, Confidential CLETS Information, and give it to the clerk when you file this Request.

1 Name of Person Asking for Protection:

Age: _____

Your lawyer in this case (if you have one):

Name: _____ State Bar No.: _____

Firm Name: _____

Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, or e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of _____

Clerk fills in case number when form is filed.

Case Number: _____

2 Name of Person You Want Protection From:

Description of person you want protection from:

Sex: [] M [] F Height: _____ Weight: _____ Hair Color: _____ Eye Color: _____
Race: _____ Age: _____ Date of Birth: _____
Address (if known): _____
City: _____ State: _____ Zip: _____

3 Do you want an order to protect family or household members? [] Yes [] No

If yes, list them:

Table with 5 columns: Full name, Sex, Age, Lives with you?, Relationship to you. Includes checkboxes for Yes/No.

[] Check here if you need more space. Attach a sheet of paper and write "DV-100, Protected People" for a title.

4 What is your relationship to the person in (2)? (Check all that apply):

- a. [] We are now married or registered domestic partners.
b. [] We used to be married or registered domestic partners.
c. [] We live together.
d. [] We used to live together.
e. [] We are related by blood, marriage, or adoption (specify relationship): _____
f. [] We are dating or used to date, or we are or used to be engaged to be married.
g. [] We are the parents together of a child or children under 18:
Child's Name: _____ Date of Birth: _____
Child's Name: _____ Date of Birth: _____
Child's Name: _____ Date of Birth: _____

If you do not have one of these relationships, the court may not be able to consider your request. Read Form DV-500-INFO for help.

[] Check here if you need more space. Attach a sheet of paper and write "DV-100, Protected People" for a title.

h. [] We have signed a Voluntary Declaration of Paternity for our child or children. (Attach a copy if you have one).

This is not a Court Order.



5 Other Court Cases

a. Have you or any other person named in ③ been involved in another court case with the person in ②?

Yes No *If yes, check each kind of case and indicate where and when each was filed:*

Kind of Case	County or Tribe Where Filed	Year Filed	Case Number (if known)
<input type="checkbox"/> Divorce, Nullity, Legal Separation	_____	_____	_____
<input type="checkbox"/> Civil Harassment	_____	_____	_____
<input type="checkbox"/> Domestic Violence	_____	_____	_____
<input type="checkbox"/> Criminal	_____	_____	_____
<input type="checkbox"/> Juvenile, Dependency, Guardianship	_____	_____	_____
<input type="checkbox"/> Child Support	_____	_____	_____
<input type="checkbox"/> Parentage, Paternity	_____	_____	_____
<input type="checkbox"/> Other (specify): _____	_____	_____	_____

Check here if you need more space. Attach a sheet of paper and write "DV-100, Other Court Cases" for a title.

b. Are there any domestic violence restraining/protective orders now (criminal, juvenile, family)?

Yes No *If yes, attach a copy if you have one.*

Check the orders you want.

6 Personal Conduct Orders

I ask the court to order the person in ② not to do the following things to me or anyone listed in ③:

- a. Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, impersonate (on the Internet, electronically or otherwise), or block movements
- b. Contact, either directly or indirectly, in any way, including but not limited to, by telephone, mail or e-mail or other electronic means

The person in ② will be ordered not to take any action to get the addresses or locations of any protected person unless the court finds good cause not to make the order.

7 Stay-Away Order

a. I ask the court to order the person in ② to stay at least _____ yards away from (check all that apply):

- Me My vehicle
- My home The child(ren)'s school or child care
- My job or workplace Each person listed in ③
- My school Other (specify): _____

b. If the person listed in ② is ordered to stay away from all the places listed above, will he or she still be able to get to his or her home, school, job, workplace, or vehicle? Yes No (If no, explain):

8 Move-Out Order

(If the person in ② lives with you and you want that person to stay away from your home, you must ask for this move-out order.)

I ask the court to order the person in ② to move out from and not return to (address):

I have the right to live at the above address because (explain): _____

This is not a Court Order.



9 Guns or Other Firearms or Ammunition

I believe the person in (2) owns or possesses guns, firearms, or ammunition. Yes No I don't know

If the judge approves the order, the person in (2) will be ordered not to own, possess, purchase, or receive a firearm or ammunition. The person will be ordered to sell to, or store with, a licensed gun dealer, or turn in to law enforcement, any guns or firearms that he or she owns or possesses.

10 Record Unlawful Communications

I ask for the right to record communications made to me by the person in (2) that violate the judge's orders.

11 Care of Animals

I ask for the sole possession, care, and control of the animals listed below. I ask the court to order the person in (2) to stay at least _____ yards away from and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of the following animals: _____

I ask for the animals to be with me because: _____

12 Child Custody and Visitation

- a. I do not have a child custody or visitation order and I want one.
 b. I have a child custody or visitation order and I want it changed.

If you ask for orders, you must fill out and attach Form DV-105, Request for Child Custody and Visitation Orders.

You and the other parent may tell the court that you want to be legal parents of the children (use Form DV-180, Agreement and Judgment of Parentage).

13 Child Support (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.
 c. I now receive or have applied for TANF, Welfare, CalWORKS, or Medi-Cal.

If you ask for child support orders, you must fill out and attach Form FL-150, Income and Expense Declaration or Form FL-155, Financial Statement (Simplified).

14 Property Control

I ask the court to give *only* me temporary use, possession, and control of the property listed here: _____

15 Debt Payment

I ask the court to order the person in (2) to make these payments while the order is in effect:

Check here if you need more space. Attach a sheet of paper and write "DV-100, Debt Payment" for a title.

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

16 Property Restraint

I am married to or have a registered domestic partnership with the person in (2). I ask the judge to order that the person in (2) not 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.

This is not a Court Order.



17 **Spousal Support**

I am married to or have a registered domestic partnership with the person in **(2)** and no spousal support order exists. I ask the court to order the person in **(2)** to pay spousal support. *(You must complete, file, and serve Form FL-150, Income and Expense Declaration, before your hearing).*

18 **Insurance**

I ask the court to order the person in **(2)** NOT to cash, borrow against, cancel, transfer, dispose of, or change the beneficiaries of any insurance or coverage held for the benefit of me or the person in **(2)**, or our child(ren), for whom support may be ordered, or both.

19 **Lawyer's Fees and Costs**

I ask that the person in **(2)** pay some or all of my lawyer's fees and costs. *You must complete, file, and serve Form FL-150, Income and Expense Declaration, before your hearing.*

20 **Payments for Costs and Services**

I ask the court to order the person in **(2)** to pay the following: *You can ask for lost earnings or your costs for services caused directly by the person in **(2)** (damaged property, medical care, counseling, temporary housing, etc.). You must bring proof of these expenses to your hearing.*

Pay to: _____ For: _____ Amount: \$ _____
 Pay to: _____ For: _____ Amount: \$ _____

21 **Batterer Intervention Program**

I ask the court to order the person listed in **(2)** to go to a 52-week batterer intervention program and show proof of completion to the court.

22 **Other Orders**

What other orders are you asking for? _____

Check here if you need more space. Attach a sheet of paper and write "DV-100, Other Orders" for a title.

23 **Time for Service (Notice)**

*The papers must be personally served on the person in **(2)** at least five days before the hearing, unless the court orders a shorter time for service. If you want there to be fewer than five days between service and the hearing, explain why below. For help, read Form DV-200-INFO, "What Is Proof of Personal Service"?*

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

If you want the sheriff or marshal to serve (notify) the restrained person about the orders for free, ask the court clerk what you need to do.

25 **Court Hearing**

The court will schedule a hearing on your request. If the judge does not make the orders effective right away ("temporary restraining orders"), the judge may still make the orders after the hearing. If the judge does not make the orders effective right away, you can ask the court to cancel the hearing. Read Form DV-112, *Waiver of Hearing on Denied Request for Temporary Restraining Order*, for more information.

This is not a Court Order.



26 Describe Abuse

Describe how the person in (2) abused you. Abuse means to intentionally or recklessly cause or attempt to cause bodily injury to you; or to place you or another person in reasonable fear of imminent serious bodily injury; or to harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, keep you under surveillance, impersonate (on the Internet, electronically or otherwise), batter, telephone, or contact you; or to disturb your peace; or to destroy your personal property. (For a complete definition, see Fam. Code, §§ 6203, 6320.)

- a. Date of most recent abuse: _____
- b. Who was there? _____
- c. Describe how the person in (2) abused you or your child(ren):

- Check here if you need more space. Attach a sheet of paper and write "DV-100, Recent Abuse" for a title.
- d. Did the person in (2) use or threaten to use a gun or any other weapon? No Yes (If yes, describe):

- e. Describe any injuries: _____
- f. Did the police come? No Yes
If yes, did they give you or the person in (2) an Emergency Protective Order? Yes No I don't know
Attach a copy if you have one.
- g. The order protects you or the person in (2)
Has the person in (2) abused you (or your child(ren)) other times?
If yes, check here and use Form DV-101, Description of Abuse or describe any previous abuse on an attached sheet of paper and write "DV-100, Previous Abuse" for a title.

27 Other Persons to Be Protected

The persons listed in item (3) need an order for protection because (describe): _____

28 Number of pages attached to this form, if any: _____

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

Date: _____

Lawyer's name, if you have one

Lawyer's signature

This is not a Court Order.

Clerk stamps date here when form is filed.

DRAFT

**Not approved by the
Judicial Council**

Person in ① must complete items ①, ②, and ③ only.

Fill in court name and street address:
Superior Court of California, County of

Court fills in case number when form is filed.
Case Number:

① Name of Protected Person:

Your lawyer in this case (if you have one):
Name: _____ State Bar No.: _____
Firm Name: _____
Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, or e-mail.):
Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____
E-mail Address: _____

② Name of Restrained Person

Description of restrained person:

Sex: M F Height: _____ Weight: _____ Hair Color: _____ Eye Color: _____
Race: _____ Age: _____ Date of Birth: _____
Address (if known): _____
City: _____ State: _____ Zip: _____
Relationship to protected person: _____

③ Additional Protected Persons

In addition to the person named in ①, the following persons are protected by temporary orders as indicated in items ⑥ and ⑦ (family or household members):

<u>Full name</u>	<u>Relationship to person in ①</u>	<u>Sex</u>	<u>Age</u>
_____	_____	_____	_____
_____	_____	_____	_____

Check here if there are additional protected persons. List them on an attached sheet of paper and write "DV-110, Additional Protected Persons" as a title.

The court will complete the rest of this form.

④ Court Hearing

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

Hearing Date: _____ Time: _____ a.m. p.m.

This is a Court Order.



- 5 **Criminal Protective Order**
- a. A criminal protective order on Form CR-160, *Criminal Protective Order—Domestic Violence*, is in effect.
Case Number: _____ County: _____ Expiration Date: _____
- b. No information has been provided to the judge about a criminal protective order.

To the person in 2

The court has granted the temporary orders checked below. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to \$1,000, or both.

- 6 **Personal Conduct Orders** Not requested Denied until the hearing Granted as follows:
- a. You must **not** do the following things to the person in ① and persons in ③:
- Harass, attack, strike, threaten, assault (*sexually or otherwise*), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, impersonate (*on the Internet, electronically or otherwise*), or block movements
 - Contact, either directly or indirectly, in any way, including but not limited to, by telephone, mail, e-mail or other electronic means
 - Take any action, directly or through others, to obtain the addresses or locations of the persons in ① and ③. (*If this item is not checked, the court has found good cause not to make this order.*)
- b. Peaceful written contact through a lawyer or process server or another person for service of Form DV-120 (*Response to Request for Domestic Violence Restraining Order*) or other legal papers related to a court case is allowed and does not violate this order.
- c. Exceptions: Brief and peaceful contact with the person in ①, and peaceful contact with children in ③, as required for court-ordered visitation of children, is allowed unless a criminal protective order says otherwise.

- 7 **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*):
- The person in ①
 - The persons in ③
 - Home of person in ①
 - The job or workplace of person in ①
 - Vehicle of person in ①
 - School of person in ①
 - The children's school or child care
 - Other (*specify*): _____
- b. Exceptions: Brief and peaceful contact with the person in ①, and peaceful contact with children in ③, as required for court-ordered visitation of children, is allowed unless a criminal protective order says otherwise.

- 8 **Move-Out Order** 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*): _____

This is a Court Order.



9 No Guns or Other Firearms or Ammunition

- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get gun, other firearms, or ammunition.
- b. You must:
 - Sell to, or store with, a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms within your immediate possession or control. Do so within 24 hours of being served with this order.
 - Within 48 hours of receiving this order, file with the court a receipt that proves guns have been turned in, stored, or sold. (You may use Form DV-800, *Proof of Firearms Turned In, Sold, or Stored*, for the receipt.) Bring a court filed copy to the hearing.
- c. The court has received information that you own or possess a firearm.

10 Record Unlawful Communications

Not requested Denied until the hearing Granted as follows:
 The person in ① can record communications made by you that violate the judge’s orders.

11 Care of Animals Not requested Denied until the hearing Granted as follows:

The person in ① is given the sole possession, care, and control of the animals listed below. The person in ② must stay at least _____ yards away from and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of the following animals: _____

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

Child custody and visitation are ordered on the attached Form DV-140, *Child Custody and Visitation Order* or (*specify other form*): _____. The parent with temporary custody of the child must not remove the child from California unless the court allows it after a noticed hearing (Fam. Code, § 3063).

13 Child Support

Not ordered now but may be ordered after a noticed hearing.

14 Property Control 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: _____

15 Debt Payment 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: _____

This is a Court Order.



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

If the people in ① and ② are married to each other or are registered domestic partners,
 the person in ① the person 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. *(The person in ② cannot contact the person in ① if the court has made a “no contact” order.)*

Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order.

17 Spousal Support

Not ordered now but may be ordered after a noticed hearing.

18 Insurance

The person in ① the person 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 child(ren), if any, for whom support may be ordered, or both.

19 Lawyer's Fees and Costs

Not ordered now but may be ordered after a noticed hearing.

20 Payments for Costs and Services

Not ordered now but may be ordered after a noticed hearing.

21 Batterer Intervention Program

Not ordered now but may be ordered after a noticed hearing.

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

Check here if there are additional orders. List them on an attached sheet of paper and write “DV-110, Other Orders” as a title.

23 No Fee to Serve (Notify) Restrained Person

If the sheriff serves this order, he or she will do so for free.

Date: _____

Judge (or Judicial Officer)

Warnings and Notices to the Restrained Person in ②

If you do not obey this order, you can be arrested and charged with a crime.

- If you do not obey this order, you can 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.
- If you travel to another state or to tribal lands or make the protected person do so, with the intention of disobeying this order, you can be charged with a federal crime.

This is a Court Order.



You cannot have guns, firearms, and/or ammunition.



You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, and/or ammunition while the order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms that you have or control. The judge will ask you for proof that you did so. If you do not obey this order, you can be charged with a crime. Federal law says you cannot have guns or ammunition while the order is in effect.

Service of Order by Mail

If the judge makes a restraining order at the hearing, which has the same orders as in this form, you will get a copy of that order by mail at your last known address, which is written in (2). If this address is incorrect, or to find out if the orders were made permanent, contact the court.

Child Custody, Visitation, and Support

- **Child custody and visitation:** If you do not go to the hearing, 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 a *Financial Statement (Simplified)* (Form FL-155) or an *Income and Expense Declaration* (Form FL-150) 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 an *Income and Expense Declaration* (Form FL-150) so the judge will have information about your finances. Otherwise, the court may make support orders without hearing from you.

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.

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, §§ 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. (Pen. Code, §13710(b).)

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 according to the following priorities (see Pen. Code, § 136.2, and Fam. Code, §§ 6383(h), 6405(b)):

1. *EPO*: If one of the orders is an *Emergency Protective Order* (Form EPO-001), and it is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. *No-Contact Order*: If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence in enforcement over any other restraining or protective order.
3. *Criminal Order*: If none of the orders includes a no-contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
4. *Family, Juvenile, or Civil Order*: If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

Child Custody and Visitation

- The custody and visitation orders are on Form DV-140, items ③ and ④. They are sometimes also written on additional pages or referenced in DV-140 or other orders that are not part of the restraining order.
- **Forms DV-100 and DV-105 are not orders. Do not enforce them.**

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. § 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.**

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate
[seal]

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.

DRAFT

Not approved by the Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number:

Case Number:

1 Name of Person Asking for Protection:

(See Form DV-100, item 1):

2 Your Name:

Your lawyer in this case (if you have one):

Name: State Bar No.:

Firm Name:

Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, or e-mail.):

Address:

City: State: Zip:

Telephone: Fax:

E-mail Address:

3 Use this form to respond to the Request for Domestic Violence Restraining Order (Form DV-100).

- Fill out this form and take it to the court clerk.
Have the person in 1 served by mail with a copy of this form and any attached pages.
For more information, read Form DV-120-INFO, How Can I Respond to a Request for Domestic Violence Restraining Order?

The judge will consider your Response at the hearing.

Write your hearing date, time, and place from Form DV-109, Notice of Court Hearing, item 3, here:

Hearing Date -> Date: Time: Dept.: Room:

You must obey the orders in Form DV-110, Temporary Restraining Order, until the hearing. At the hearing, the court may make restraining orders against you that could last up to five years and could be renewed.

4 Relationship to Person Asking for Protection

- I agree to the relationship listed in item 4 on Form DV-100.
I do not agree that the other party and I have or had the relationship listed in item 4 on Form DV-100. (Specify your reasons in item 24, page 4, of this form.)

5 Other Protected People

- I agree to the order requested.
I do not agree to the order requested. (Specify your reasons in item 24, page 4, of this form.)

6 Personal Conduct Orders

- I agree to the orders requested.
I do not agree to the orders requested. (Specify your reasons in item 24, page 4, of this form.)

This is not a Court Order.



- 7 **Stay-Away Order**
- a. I agree to the order requested.
- b. I do not agree to the order requested. (Specify your reasons in item 24, page 4, of this form.)

- 8 **Move-Out Order**
- a. I agree to the order requested.
- b. I do not agree to the order requested. (Specify your reasons in item 24, page 4, of this form.)

- 9 **Guns or Other Firearms or Ammunition**
- If you were served with Form DV-110, Temporary Restraining Order, you must turn in any guns or firearms in your immediate possession or control. You must file a receipt with the court from a law enforcement agency or a licensed gun dealer within 48 hours after you received Form DV-110.
- a. I do not own or have any guns or firearms.
- b. I ask for an exemption from the firearms prohibition under Family Code section 6389(h) because (specify): _____
- c. I have turned in my guns and firearms to law enforcement or sold them to, or stored them with, a licensed gun dealer. A copy of the receipt showing that I turned in, sold, or stored my firearms (check all that apply):
- is attached has already been filed with the court.

- 10 **Record Unlawful Communications**
- a. I agree to the order requested.
- b. I do not agree to the order requested. (Specify your reasons in item 24, page 4, of this form.)

- 11 **Care of Animals**
- a. I agree to the order requested.
- b. I do not agree to the order requested. (Specify your reasons in item 24, page 4, of this form.)

- 12 **Child Custody and Visitation**
- a. I agree to the order requested.
- b. I do not agree to the order requested. (Specify your reasons in item 24, page 4, of this form.)
- c. I am not the parent of the child listed in Form DV-105, Request for Child Custody and Visitation Orders.
- d. I ask for the following custody order (specify): _____
- I do I do not agree to the orders requested to limit the child's travel as listed in Form DV-108, Request for Order: No Travel With Children.

You and the other parent may tell the court that you want to be legal parents of the children (use Form DV-180, Agreement and Judgment of Parentage).

- 13 **Child Support** (Check all that apply):
- a. I agree to the order requested.
- b. I do not agree to the order requested. (Specify your reasons in item 24, page 4, of this form.)
- c. I agree to pay guideline child support.

Whether or not you agree to pay support, you must fill out, serve, and file Form FL-150, Income and Expense Declaration, or FL-155, Financial Statement (Simplified).

This is not a Court Order.



- 14** **Property Control**
- a. I agree to the order requested.
- b. I do not agree to the order requested. *(Specify your reasons in item 24, page 4, of this form.)*

- 15** **Debt Payment**
- a. I agree to the order requested.
- b. I do not agree to the order requested. *(Specify your reasons in item 24, page 4, of this form.)*

- 16** **Property Restraint**
- a. I agree to the order requested.
- b. I do not agree to the order requested. *(Specify your reasons in item 24, page 4, of this form.)*

- 17** **Spousal Support**
- a. I agree to the order requested.
- b. I do not agree to the order requested. *(Specify your reasons in item 24, page 4, of this form.)*
- Whether or not you agree, you must fill out, serve, and file Form FL-150, Income and Expense Declaration.*

- 18** **Insurance**
- a. I agree to the order requested.
- b. I do not agree to the order requested. *(Specify your reasons in item 24, page 4, of this form.)*

- 19** **Lawyer's Fees and Costs**
- a. I agree to the order requested.
- b. I do not agree to the order requested. *(Specify your reasons in item 24, page 4, of this form.)*
- c. I request the court to order payment of my lawyer's fees and costs.
- Whether or not you agree, you must fill out, serve, and file Form FL-150, Income and Expense Declaration.*

- 20** **Payments for Costs and Services**
- a. I agree to the order requested.
- b. I do not agree to the order requested. *(Specify your reasons in item 24, page 4, of this form.)*

- 21** **Batterer Intervention Program**
- a. I agree to the order requested.
- b. I do not agree to the order requested. *(Specify your reasons in item 24, page 4, of this form.)*

- 22** **Other Orders** *(see item 22 on Form DV-100)*
- a. I agree to the order requested.
- b. I do not agree to the order requested. *(Specify your reasons in item 24, page 4, of this form.)*

- 23** **Out-of-Pocket Expenses**
- I ask the court to order payment of my out-of-pocket expenses because the temporary restraining order was issued without enough supporting facts. The expenses are:
- Item: _____ Amount: \$ _____ Item: _____ Amount: \$ _____
- You must fill out, serve, and file Form FL-150, Income and Expense Declaration.*

This is not a Court Order.



24 **Reasons I Do Not Agree to the Orders Requested**

Explain your answers to each of the orders requested (*give specific facts and reasons*):

Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "DV-120, Reasons I Do Not Agree" as a title.

25 Number of pages attached to this form, if any: _____

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

Date: _____

Lawyer's name, if you have one

▶ _____
Lawyer's signature

This is not a Court Order.

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

What is a Domestic Violence Restraining Order?

It is a court order that helps protect people who have been abused or threatened with abuse.

What are the legal requirements?

A Domestic Violence Restraining Order is available if:

- A person has been abused or threatened with abuse, and
- The person who was abused has a certain relationship with the person who did the abuse (married, divorced, separated, registered domestic partnership, have a child together, dating or used to date, live together or used to live together as more than just roommates), or are closely related (mother or mother-in-law, father or father-in-law, child or stepchild, grandparent or grandparent-in-law, grandchild or grandchild-in-law, sister or sister-in-law, brother or brother-in-law, stepparent, daughter-in-law or son-in-law). (See Fam. Code, § 6211).

What is abuse?

Abuse means to intentionally or recklessly cause or attempt to cause bodily injury to the protected person; or sexually assault the protected person; or to place the protected person or another person in reasonable fear of imminent serious bodily injury; or to molest, attack, hit, stalk, threaten, batter, harass, telephone, or contact the protected person; or to disturb the protected person's peace; or to destroy the protected person's personal property. Abuse can be spoken, written, or physical.

What if the legal requirements are not met?

There are other kinds of orders that might apply:

- Civil harassment order (can be used for neighbors, roommates, cousins, uncles, and aunts)
- Dependent adult or elder abuse restraining order
- Workplace violence order

What can a restraining order do?

The court can order the restrained person to:

- Not contact or harm the protected person, including children listed as protected people
- Stay away from all protected people
- Not have any guns or ammunition
- Move out of the house
- Follow child custody and visitation orders
- Pay child support
- Pay spousal support
- Obey property orders

How do I tell my side of the story?

File Form DV-120, *Response to Request for Domestic Violence Restraining Order*, before the hearing date. Also, have someone mail it to the person who asked for the order or to the person's lawyer. This is "Service." The person who mails it must fill out and sign a *Proof of Service by Mail* (Form DV-250). File the *Proof of Service* with the court clerk. Keep a copy. Then, bring a copy of your response on Form DV-120, and the filed *Proof of Service* (Form DV-250), to the hearing.

What if I also have criminal charges against me?

See a lawyer. Anything you say or write, including in this case, can be used against you in your criminal case.



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

How long does the order last?

If the court makes a temporary restraining order, it will last until the hearing date. At that time, the judge will decide to continue or cancel the order. The restraining order can last 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.

Is there a cost to file my Response (Form DV-120)?

No.

What if I have a gun or ammunition?

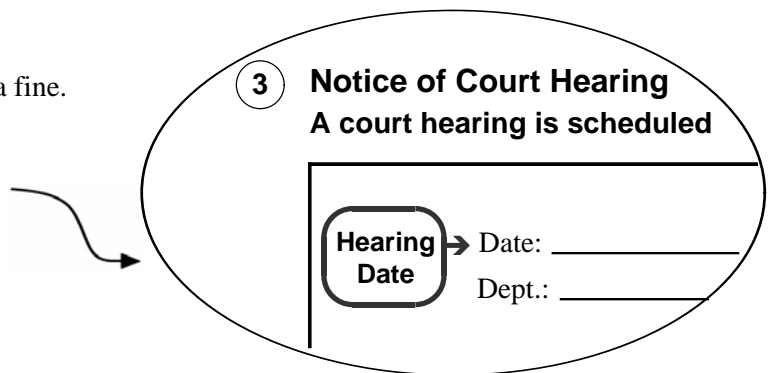
If a restraining order is issued, you cannot own, possess, or have a gun, other firearm, or ammunition while it is in effect. If you have a gun or other firearm in your immediate possession or control, you must sell it to, or store it with, a licensed gun dealer, or turn it in to a law enforcement agency. Read Form DV-800-INFO, *How Do I Turn In, Sell, or Store My Firearms?*

What if I don't obey the court order?

The police can arrest you. You can go to jail and/or pay a fine.

Should I go to the court hearing?

If you do not go to court, the judge can make the orders without hearing from you. If you object to the orders being made, go to court on the hearing date listed on page 1 of Form DV-109, *Notice of Court Hearing*.



What if the person seeking protection contacts me?

No matter what, you have to follow the court order. The order says only what *you* can do or cannot do.

Will I see the person seeking protection at the court hearing?

If the protected person comes to the hearing, you will see him or her. Do not talk to the protected person unless the judge or that person's lawyer says you can.

Do I need a lawyer?

Having a lawyer is always a good idea, especially if you have children, but it is not required. You are not entitled to a free court-appointed lawyer. Ask the clerk how to find free or low-cost legal services and self-help centers in your county. You can also go to the Family Law Facilitator for help with child support.

Can I bring a witness or other document to the court hearing?

Yes. You can bring witnesses or documents that support your case to the hearing. The judge may or may not let a witness speak at the hearing. So you should also bring copies of the witnesses' written statements of what they saw or heard, signed under penalty of perjury, and provide the other party and the judge with a copy. Your witness can use Form MC-030, *Declaration*, to write a statement.

If we agree, can the person seeking protection and I cancel the order?

No. Once the order is issued, only the judge can change or cancel it.



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

What if I do not speak English?

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

What if I do not have a Green Card or U.S. Citizenship?

The order is valid even if you are not a U.S. citizen or lawful permanent resident (Green Card holder). If you are worried about your immigration status, talk to an immigration lawyer.

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

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

What if I have children with the person to be protected?

The judge can make temporary orders for child custody and visitation. If the judge makes a temporary order for child custody, the parent with custody may not remove the child from California before notice to the other parent and a court hearing. Read the order for any other limits. There are some exceptions. Ask a lawyer.

What if I want to leave the county or state?

You must still comply with the restraining order. The restraining order is valid anywhere in the United States.

What if I am deaf or hard of hearing?



Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk's office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Response* (Form MC-410). (Civil Code, § 54.8.)

What if I am a victim of domestic violence?

Ask the court clerk about free or low-cost legal help. For a referral to a local domestic violence or legal assistance program, call the National Domestic Violence Hotline:

1-800-799-7233

TDD: 1-800-787-3224

It's free and private.

They can help you in more than 100 languages.

For help in your area, contact:

[Local information may be inserted]

Clerk stamps date here when form is filed.

DRAFT

Not approved by the Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Clerk fills in case number when form is filed.

Case Number:

1 Name of Protected Person:

Your lawyer in this case (if you have one):

Name: State Bar No.:

Firm Name:

Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, or e-mail.):

Address:

City: State: Zip:

Telephone: Fax:

E-mail Address:

2 Name of Restrained Person:

Description of restrained person:

Sex: M F Height: Weight: Hair Color: Eye Color:

Race: Age: Date of Birth:

Address (if known):

City: State: Zip:

Relationship to protected person:

3 Additional Protected Persons

In addition to the person named in 1, the following persons are protected by orders as indicated in items 6 and 7 (family or household members):

Table with 4 columns: Full name, Relationship to person in 1, Sex, Age

Check here if there are additional protected persons. List them on an attached sheet of paper and write, "DV-130, Additional Protected Persons," as a title.

4 Expiration Date

The orders, except as noted below, end on

(date): at (time): a.m. p.m. or midnight

- If no date is written, the restraining order ends three years after the date of the hearing in item 5(a).
If no time is written, the restraining order ends at midnight on the expiration date.
Note: Custody, visitation, child support, and spousal support orders remain in effect after the restraining order ends.
The court orders are on pages 2, 3, 4, and 5 and attachment pages (if any).

This order complies with VAWA and shall be enforced throughout the United States. See page 5.

This is a Court Order.



5 Hearings

- a. The hearing was on (date): _____ with (name of judicial officer): _____
- b. These people were at the hearing (check all that apply):
- The person in ① The lawyer for the person in ① (name): _____
- The person in ② The lawyer for the person in ② (name): _____
- c. The people in ① and ② must return to Dept. _____ of the court on (date): _____
at (time): _____ a.m. p.m. to review (specify issues): _____

To the person in ②

The court has granted the orders checked below. Item ⑨ is also an order. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to \$1,000, or both.

6 Personal Conduct Orders

- a. The person in ② must **not** do the following things to the protected people in ① and ③:
- Harass, attack, strike, threaten, assault (*sexually or otherwise*), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, impersonate (*on the Internet, electronically or otherwise*), or block movements.
- Contact, either directly or indirectly, by any means, including, but not limited to, by telephone, mail, e-mail, or other electronic means.
- Take any action, directly or through others, to obtain the addresses or locations of any protected persons. (*If this item is not checked, the court has found good cause not to make this order.*)
- b. 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.
- c. Exceptions: Brief and peaceful contact with the person in ①, and peaceful contact with children in ③, as required for court-ordered visitation of children, is allowed unless a criminal protective order says otherwise.

7 Stay-Away Order

- a. The person in ② must stay at least (specify): _____ yards away from (check all that apply):
- The person in ① School of person in ①
- The persons in ③ The child(ren)'s school or child care
- Home of person in ① Other (specify): _____
- The job or workplace of person in ① _____
- Vehicle of person in ① _____
- b. Exceptions: Brief and peaceful contact with the person in ①, and peaceful contact with children in ③, as required for court-ordered visitation of children, is allowed unless a criminal protective order says otherwise.

8 Move-Out Order

The person in ② must move out immediately from (address): _____

9 No Guns or Other Firearms or Ammunition

- a. The person in ② cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.

This is a Court Order.

- 9 b. The person in 2 must:
- Sell to, or store with, a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms within his or her immediate possession or control. Do so within 24 hours of being served with this order.
 - Within 48 hours of receiving this order, file with the court a receipt that proves guns have been turned in, sold, or stored. (*Form DV-800, Proof of Firearms Turned In, Sold, or Stored, may be used for the receipt.*) Bring a court filed copy to the hearing.
- c. The court has received information that the person in 2 owns or possesses a firearm.
- d. The court has made the necessary findings and applies the firearm relinquishment exemption under Family Code section 6389(h). Under California law, the person in 2 is not required to relinquish this firearm (*specify make, model, and serial number of firearm*): _____
 The firearm must be in his or her physical possession only during scheduled work hours and during travel to and from his or her place of employment. Even if exempt under California law, the person in 2 may be subject to federal prosecution for possessing or controlling a firearm.

10 **Record Unlawful Communications**
 The person in 1 has the right to record communications made by the person in 2 that violate the judge’s orders.

11 **Care of Animals**
 The person in 1 is given the sole possession, care, and control of the animals listed below. The person in 2 must stay at least _____ yards away from and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of the following animals: _____

12 **Child Custody and Visitation**
 Child custody and visitation are ordered on the attached Form DV-140, *Child Custody and Visitation Order* or (*specify other form*): _____

13 **Child Support**
 Child support is ordered on the attached Form FL-342, *Child Support Information and Order Attachment* or (*specify other form*): _____

14 **Property Control**
 Only the person in 1 can use, control, and possess the following property: _____

15 **Debt Payment**
 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: _____

Check here if more payments are ordered. List them on an attached sheet of paper and write “DV-130, Debt Payments” as a title.

16 **Property Restraint**
 The person in 1 person 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, the person must notify the other of any new or big expenses and explain them to the court. (*The person in 2 cannot contact the person in 1 if the court has made a “No-Contact” order.*)
 Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order.

This is a Court Order.



17 **Spousal Support**
Spousal support is ordered on the attached Form FL-343, *Spousal, Partner, or Family Support Order Attachment* or (specify other form): _____

18 **Insurance**
 The person in **(1)** the person 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 child(ren), if any, for whom support may be ordered, or both.

19 **Lawyer's Fees and Costs**
The person in **(2)** must pay the following lawyer's fees and costs:
Pay to: _____ For: _____ Amount: \$ _____ Due date: _____
Pay to: _____ For: _____ Amount: \$ _____ Due date: _____

20 **Payments for Costs and Services**
The person in **(2)** must pay the following:
Pay to: _____ For: _____ Amount: \$ _____ Due date: _____
Pay to: _____ For: _____ Amount: \$ _____ Due date: _____
Pay to: _____ For: _____ Amount: \$ _____ Due date: _____
 Check here if more payments are ordered. List them on an attached sheet of paper and write "DV-130, Payments for Costs and Services" as a title.

21 **Batterer Intervention Program**
The person in **(2)** must go to and pay for a 52-week batterer intervention program and show written proof of completion to the court. This program must be approved by the probation department.

22 **Other Orders**
Other orders (specify): _____

23 **No Fee to Serve (Notify) Restrained Person**
If the sheriff or marshal serves this order, he or she will do it for free.

24 **Service**
a. The people in **(1)** and **(2)** were at the hearing or agreed in writing to this order. No other proof of service is needed.
b. The person in **(1)** was at the hearing. The person in **(2)** was not.
(1) Proof of service of Form DV-109 and Form DV-110 (if issued) was presented to the court. The judge's orders in this form are the same as in Form DV-110 except for the end date. The person in **(2)** must be served. This order can be served by mail.
(2) Proof of service of Form DV-109 and Form DV-110 (if issued) was presented to the court. The judge's orders in this form are different from the orders in Form DV-110, or Form DV-110 was not issued. Someone—not a person in **(1)** or **(3)**—must personally "serve" (deliver) a copy of this order to the person in **(2)**.

25 **Criminal Protective Order**
a. Form CR-160, *Criminal Protective Order—Domestic Violence*, is in effect.
Case Number: _____ County: _____ Expiration Date: _____
(If there are more orders, list them on an attached sheet of paper and write "DV-130, Other Criminal Protective Orders" as a title.)
b. No information has been provided to the judge about a criminal protective order.

This is a Court Order.

26 **Attached pages are orders.**

- Number of pages attached to this six-page form: _____
- All of the attached pages are part of this order.
- Attachments include (*check all that apply*):
 - DV-140 DV-145 DV-150 FL-342 FL-343
 - Other (*specify*): _____

Date: _____

Judge (or Judicial Officer)

Certificate of Compliance With VAWA

This restraining (protective) order meets all “full faith and credit” requirements of the Violence Against Women Act, 18 U.S.C. § 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

If you do not obey this order, you can be arrested and charged with a crime.

- If you do not obey this order, you can 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.
- If you travel to another state or to tribal lands or make the protected person do so, with the intention of disobeying this order, you can be charged with a federal crime.

You cannot have guns, firearms, and/or ammunition.



You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, and/or ammunition while the order is in effect. If you do, you can go to jail and pay a \$1,000 fine. Unless the court grants an exemption, you must sell to, or store with, a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms that you have or control. The judge will ask you for proof that you did so. If you do not obey this order, you can be charged with a crime. Federal law says you cannot have guns or ammunition while the order is in effect. Even if exempt under California law, you may be subject to federal prosecution for possessing or controlling a firearm.

Instructions for Law Enforcement

Start Date and End Date of Orders

The orders *start* on the earlier of the following dates:

- The hearing date in item 5 (a) on page 2, or
- The date next to the judge’s signature on this page.

The orders *end* on the expiration date in item 4 on page 1. If no date is listed, they end three years from the hearing date.

This is a Court Order.

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. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6.

Notice/Proof of Service

Law enforcement must first determine if the restrained person had notice of the orders. If notice cannot be verified, the restrained person must be advised of the terms of the orders. If the restrained person then fails to obey the orders, the officer must enforce them. (Fam. Code, § 6383.)

Consider the restrained person “served” (notified) if:

- The officer sees a copy of the *Proof of Service* or confirms that the *Proof of Service* is on file; or
- The restrained person was at the restraining order hearing or was informed of the order by an officer. (Fam. Code, § 6383; Pen. Code, § 836(c)(2).) An officer can obtain information about the contents of the order in the Domestic Violence Restraining Order System (DVROS). (Fam. Code, § 6381(b)-(c).)

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. (Pen. Code, § 13710(b).)

Child Custody and Visitation

The custody and visitation orders are on Form DV-140, items ③ and ④. They are sometimes also written on additional pages or referenced in DV-140 or other orders that are not part of the restraining order.

Enforcing the Restraining Order in California

Any law enforcement officer in California who receives, sees, or verifies the orders on a paper copy, in the California Law Enforcement Telecommunications System (CLETS), or in an NCIC Protection Order File must enforce the orders.

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 Pen. Code, § 136.2 and Fam. Code, §§ 6383(h)(2), 6405(b)):

1. *EPO*: If one of the orders is an *Emergency Protective Order* (Form EPO-001) and it is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. *No-Contact Order*: If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence in enforcement over any other restraining or protective order.
3. *Criminal Order*: If none of the orders includes a no-contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
4. *Family, Juvenile, or Civil Order*: If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate
[seal]

I certify that this *Restraining Order After Hearing (Order of Protection)* 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.

This form is used only when parents agree to be named as legal parents of their children. Parents complete 1 through 9.

DRAFT

Not approved by the Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Protected Person:

Name:
Relationship to the children in this case (check one): Mother Father
Your lawyer in this case (if you have one):
Name: State Bar No.:
Firm Name:
Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, or e-mail.):
Address:
City: State: Zip:
Telephone: Fax:
E-Mail Address:

2 Restrained Person:

Name:
Relationship to the children in this case (check one): Mother Father
Address:
City: State: Zip:

Agreement of Parentage

3 No Other Parentage Case

- a. We are the parents of the children listed below.
b. To the best of our knowledge (check each box that is true):
1. There is no court case in which someone other than us claims to be or is alleged to be the parent of the children.
2. No court has ordered or found that someone other than us is a parent of the children.
3. There is no pending adoption or guardianship case for the children.
4. No other person has signed a voluntary declaration of paternity for the children.
5. The mother was not married to another person when the children were conceived.

4 The children in this case are (specify):

Table with 3 columns: Child's Name, Date of Birth, Sex. Rows a, b, c, d.

Check here if you need more space. List additional children on an attached sheet of paper and write "DV-180, Children" as a title.



Case Number: _____

Your name: _____

5 Orders Requested

- a. We ask the court to find that we are the legal parents of the children in **4** and to enter a judgment of parentage.
- b. We ask the court to order the children’s birth certificates to be amended by (*check each order you want*):
 - 1. Adding the father’s name.
 - 2. Changing the last name of the children to: _____

6 If you sign this form, you will give up these rights:

- **Right to a trial.** You can ask a judge, in a separate case, to decide if you are the parent of the children in this case. You can bring evidence and witnesses to that trial. And you can question the witnesses against you.
- **Right to genetic tests.** You can ask a judge, in a separate case, to order genetic tests to see if you are the parent of the children in this case. The court may order you to pay for those tests.

7 If you sign this form, the court may decide you are the legal parent.

The court may order you to:

- **Pay child support.** Child support may be taken out of your paycheck without notifying you first. Child support can be a lot of money, and it usually lasts until the child turns 18. If you do not support the children as ordered, you can face criminal charges.
- **Pay other expenses and costs.** The court may also order that you pay other expenses for the children in this case. You will have all the legal duties of a parent.

Before you sign this form, you can hire a lawyer.

If you cannot afford to pay for a lawyer to represent you, call the local bar association for help. You can also ask the court’s Family Law Facilitator for information on how to find a lawyer.

8 Sign below only if you understand and give up your rights.

- We are saying that we are the legal parents of the children in this case.
- If either of us has a lawyer for this agreement, that lawyer has read and explained this information to the person being represented and that person understands it.
- We have read and understand this form.
- If someone translated this form, we understood the translation.

9 We have read and understand the rights listed in this form. Both people named in 1 and 2 give up these rights and freely agree that the court can make orders naming us as legal parents of the children listed on this form. We declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

_____	_____	▶	_____
Date	Type or print Protected Person’s name		Protected Person signs here
_____	_____	▶	_____
Date	Type or print Restrained Person’s name		Restrained Person signs here
_____	_____	▶	_____
Date	Type or print Protected Person’s lawyer’s name		Protected Person’s lawyer signs here
_____	_____	▶	_____
Date	Type or print Restrained Person’s lawyer’s name		Restrained Person’s lawyer signs here



Case Number: _____

Your name: _____

Judgment of Parentage

10 The court finds

Name: _____

Mother Father

Name: _____

Mother Father

are the parents of the children listed below:

	<u>Child's Name</u>	<u>Date of Birth</u>	<u>Sex</u>
a.	_____	_____	_____
b.	_____	_____	_____
c.	_____	_____	_____

Check here if you need more space. List additional children on an attached sheet of paper and write "DV-180, Additional Children" as a title.

11 The court orders

a. The last names of the child(ren) are changed to (specify the FULL name of each child): _____

b. The birth certificates must be amended to conform to this court order by:

(1) adding the father's name (specify): _____

(2) changing the last name of the children _____

12 Other (specify): _____

Number of pages attached: _____

13 Notice of Entry of Judgment

The parties must provide self-addressed, stamped envelopes and one original and two copies of the completed *Notice of Entry of Judgment* (form FL-190) to the court.

Date: _____

Judicial Officer

14 Interpreter's Declaration

I have read or translated or interpreted this *Agreement and Judgment of Parentage*, to the best of my ability, to the (check one):

Protected Person Restrained Person who said that:

- He or she was unable to read or understand the English documents;
- His or her primary language is (specify): _____ ; and
- He or she now understands this document.

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 interpreter's name

Interpreter signs here

Date: _____
Type or print interpreter's name

Interpreter signs here

Clerk stamps date here when form is filed.

DRAFT

Not approved by the Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Clerk fills in case number when form is filed.

Case Number:

1 Name of Protected Person:

Your lawyer in this case (*if you have one*):

Name: _____ State Bar No.: _____

Firm Name: _____

Address (*If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, or e-mail.*):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-mail Address: _____

2 Name of Restrained Person:

Description of restrained person:

Sex: M F Height: _____ Weight: _____ Hair Color: _____ Eye Color: _____

Race: _____ Age: _____ Date of Birth: _____

Address (*if known*): _____

City: _____ State: _____ Zip: _____

Relationship to protected person: _____

The court will fill in the rest of this form.

3 Court Hearing

The judge has set a court hearing date.

The Restraining Order After Hearing (Order of Protection) stays in effect until the expiration date on that order or the end of the hearing below, whichever is later.

Hearing Date & Time

→ Date: _____ Time: _____
Dept.: _____ Room: _____

Name and address of court if different from above:

To the person in (2):

At the hearing, the judge can renew the current restraining order for another five years or permanently. Before the hearing, you can file a response on Form DV-720. You *must* continue to obey the current restraining orders until the expiration date on the current orders or the hearing date, whichever is later. At the hearing, you can tell the judge why you agree or disagree with the request to renew the orders. If the restraining orders are renewed, you *must* obey the orders even if you do not attend the hearing.

This is a Court Order.



4 Service and Response**To the Person in ①**

Someone 18 or over—**not you or anyone else protected by the restraining order**—must personally “serve” a copy of the following forms on the person in ② at least _____ days before the hearing.

- DV-700, *Request to Renew Restraining Order* (file stamped);
- DV-710, *Notice of Hearing to Renew Restraining Order* (this form);
- DV-720, *Response to Request to Renew Restraining Order* (blank copy);
- DV-130, the current *Restraining Order After Hearing (Order of Protection)* that you want to renew.

After the person in ② has been served, file Form DV-200, *Proof of Personal Service*, with the court clerk. For help with service, read Form DV-200-INFO, *What Is “Proof of Personal Service”?* **Bring a copy of Form DV-200, Proof of Personal Service, to the court hearing.**

To the Person in ②

If you want to respond in writing to the request to renew the restraining order, fill out Form DV-720, *Response to Request to Renew Restraining Order*. File the original with the court, and have someone 18 or over—**not you**—mail a copy of it to the person in ① before the hearing. Also file Form DV-250, *Proof of Service by Mail*, with the court before the hearing. **Bring a copy of Form DV-250, Proof of Service by Mail, to the court hearing.**

Date: _____

Judicial Officer**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 *Request for Accommodations by Persons with Disabilities and Response* (Form MC-410). (Civ. Code, § 54.8.)

*(Clerk will fill out this part.)***—Clerk's Certificate—***Clerk's Certificate*
[seal]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

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Protected Person

Name: _____

2 Restrained Person

a. Your Name: _____

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

3 To the Restrained Person:

If the court has ordered you to sell or turn, sell, or store your firearms, you may use this form to prove to the court that you have obeyed its orders. When you deliver your unloaded weapons, ask the law enforcement officer or the licensed gun dealer to complete item 4 or 5 and item 6. After the form is signed, file it with the court clerk. Keep a copy for yourself. For help, read Form DV-800-INFO/JV-252-INFO, *How Do I Turn In, Sell, or Store My Firearms?*

4 To Law Enforcement

Fill out items 4 and 6 of this form. Keep a copy and give the original to the person who turned in the firearms.

The firearms listed in 6 were turned in on:

Date: _____ at: _____ a.m. p.m.

To: _____
Name and title of law enforcement agent

Name of law enforcement agency

Address

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

Fill out items 5 and 6 of this form. Keep a copy and give the original to the person who sold the firearms or stored them with you.

The firearms listed in 6 were

sold to me transferred to me for storage on

Date: _____ at: _____ a.m. p.m.

To: _____
Name of licensed gun dealer

License number Telephone

Address

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 Firearms

	<u>Make</u>	<u>Model</u>	<u>Serial Number</u>
a.	_____	_____	_____
b.	_____	_____	_____
c.	_____	_____	_____
d.	_____	_____	_____
e.	_____	_____	_____

Check here if you turned in, sold, or stored more firearms. Attach a sheet of paper and write "DV-800/JV-252, Item 6—Firearms Turned In, Sold, or Stored" for a title. Include make, model, and serial number of each firearm. You may use Form MC-025, Attachment.

7 Do you have, own, possess, or control any other firearms besides the firearms listed in 6? Yes No

If you answered yes, have you turned in, sold, or stored those other firearms? Yes No

If yes, check one of the boxes below:

a. I filed a *Proof of Firearms Turned In, Sold, or Stored* for those firearms with the court on (date):

b. I am filing the proof for those firearms along with this proof.

c. I have not yet filed the proof for the other firearms. (explain why not):

Check here if there is not enough space below for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 7c" for a title.

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

1 What is a firearm?

A firearm is a

- Handgun
- Shotgun
- Rifle
- Assault Weapon



2 If you own or have a firearm, you must:

- Turn it in to local law enforcement, *or*
- Sell it to, or store it with, a licensed gun dealer.

3 How do I sell or store my firearm?

Find a licensed gun dealer in your area.

Look under “Firearms Dealers” in your local Yellow Pages or on the Internet. Make sure the dealer is licensed.

4 How do I take my firearm to law enforcement?

Call your local law enforcement agency to ask about their procedures. Take a copy of the restraining order with you. Go directly to the law enforcement agency. Do not go anywhere else with firearms in your vehicle!

5 If I turn my firearm in to law enforcement, how long will they keep it?

Ask the law enforcement agency.

6 After I give my firearm 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 firearm you are selling.

7 Do I have to pay the law enforcement agency to keep my firearm?

You may have to pay the agency for keeping your firearm. Contact your local law enforcement agency and ask if a fee is charged. The agency will tell you how much you need to pay.

8 Questions?

Call your local law enforcement agency:
[insert local information here]

DO:

- unload your firearm.
- put your firearm in the trunk.
- call ahead to the law enforcement agency.

DO NOT:

- bring a loaded firearm to the law enforcement agency.
- bring ammunition with the firearm when you turn it in.
- put your firearm in a locked glove compartment.
- bring a firearm to court.

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i> TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR <i>(Name):</i> _____	<h2 style="margin: 0;">DRAFT</h2> <h3 style="margin: 10px 0 0 0;">Not approved by the Judicial Council</h3>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME:	
CUSTODY ORDER—JUVENILE—FINAL JUDGMENT	
CASE NUMBER: JUVENILE: FAMILY <i>(existing, if applicable, otherwise new):</i>	

1. a. Date of hearing: _____ Dept.: _____
- b. Judicial officer *(name)*:
- c. Jurisdiction: This court has jurisdiction to make child custody orders in this case under the Uniform Child Custody Jurisdiction and Enforcement Act (part 3 of the California Family Code commencing with section 3400).
- d. Notice and opportunity to be heard: The responding party was given notice and an opportunity to be heard as provided by the laws of the State of California.
- e. Country of habitual residence: The country of habitual residence of the child or children in this case is
 the United States of America Other *(specify)*:
- f. Penalties for violating this order: If you violate this order you may be subject to civil or criminal penalties, or both.

THE COURT FINDS AND ORDERS

2. **Mother** *(name)*:
Father *(name)*:
 are the parents of the children listed in item 3. Mother and father are are not married.

3. **Custody of the minor children** is ordered as follows:
Child's name Date of birth Legal custody to Physical custody to Primary residence with

4. **Mother's visitation rights.** The mother may visit the minor children as follows:
 All children listed in item 3 The following children *(name each)*:
 - a. As arranged by the parents
 - b. As set forth on form JV-205
 - c. Supervised as set forth on form JV-205
 - d. No visitation

CASE NAME:	CASE NUMBER:
	JUVENILE:
	FAMILY:

5. **Father's visitation rights.** The father may visit the minor children as follows:
 All children listed in item 3 The following children (*name each*):
- a. As arranged by the parents
 - b. As set forth on form JV-205
 - c. Supervised as set forth on form JV-205
 - d. No visitation
6. Mother Father may not change the residence of the children for more than 30 days without notice to the other parent under Family Code section 3024 unless there is prior written agreement to the change.
7. **Child abduction prevention orders are attached on form FL-341(B).**
8. **Paternity.** (*Name*): _____ was declared
the father of (*names*): _____
- by court order (*specify county and case number*):
 juvenile court family court Other (*specify*): _____
on (*dates*): _____
9. **As of the date below, the juvenile court**
- a. has terminated jurisdiction over the children listed in item 3; requests for any modifications of these orders must be brought in the family court case in which these orders are filed under Welfare and Institutions Code section 302(d) or 726.5(c).
 - b. has not terminated jurisdiction over the children listed in item 3; requests to modify these orders must be brought in juvenile court. When the juvenile court terminates jurisdiction over the children, requests for modifications must be brought in family court.
10. This order reflects a change in physical custody of the child or children to the custody of a formerly noncustodial parent for the reasons stated on the record.
11. A criminal protective order on form CR-160 is in effect: case number (*specify*): _____
(*expiration date*): _____ In (*specify county, if known*): _____

Instruction for Law Enforcement

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 order (see Pen. Code, § 136.2 and Fam. Code, §§ 6383(h)(2), 6405(b).):

1. *EPO*: If one of the orders is an *Emergency Protective Order* (Form EPO-001) and it is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. *No-Contact Order*: If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence in enforcement over any other restraining or protective order.
3. *Criminal Order*: If none of the orders includes a no-contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
4. *Family, Juvenile, or Civil Order*: If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

CASE NAME:	CASE NUMBER: JUVENILE: FAMILY:
------------	--------------------------------------

12. **Other orders** (*specify*):

- Continued on Attachment 12.
- Restraining order (form JV-250) is attached.

13. The clerk of the juvenile court parent given custody parent's attorney county counsel must transmit this order within 10 calendar days to the clerk of the court of any county in which a custody proceeding involving the child is pending or, if no such case exists, to the clerk of the court of the county in which the parent given custody resides. The clerk of the receiving court must, immediately upon receipt of this order, file the order in the pending case or, if no such case exists, open a file without a filing fee and assign a case number.

14. The clerk of the receiving court must send by first-class mail an endorsed filed copy of this order, showing the case number of the receiving court, to:

- a. Mother (*name and address*):

- b. Father (*name and address*):

- c. Children (*names and addresses*):

- d. Children's attorney (*name and address*):

- e. Social worker (*name and address*):

- f. Probation officer (*name and address*):

- g. Other (*name and address*):

and to the originating juvenile court with a completed clerk's certificate of mailing (*see below*).

Date:

JUDICIAL OFFICER OF THE JUVENILE COURT

CLERK'S CERTIFICATE OF MAILING
(To be completed by clerk of receiving court)

I certify that I am not a party to this cause and that an endorsed filed copy of the foregoing order was mailed as follows: Each copy was enclosed in an envelope with postage fully prepaid. The envelopes were addressed to the originating court and to each person whose name and address are given in item 14. Each envelope was sealed and deposited with the United States Postal Service

at (*place*):

on (*date*):

Date: _____ Clerk, by _____, Deputy

CASE NAME:	CASE NUMBER:
	JUVENILE:
	FAMILY:

VISITATION ORDER—JUVENILE

Attachment to Custody Order—Juvenile (form JV-200)

Notice of Hearing and Temporary Restraining Order (form JV-250)

Restraining order — Juvenile (form JV-255) Change to Restraining Order After Hearing (form JV-257)

1. This order applies to the following children (name each):

2. VISITATION

a. As set forth in the attached visitation agreement.

b. Specific visitation as follows:

(1) WEEKENDS (specify starting date):

Father Mother will have the children with him or her:

First weekend of the month from _____ at _____ a.m. p.m.
(specify day(s) and times): to _____ at _____ a.m. p.m.

Second weekend of the month from _____ at _____ a.m. p.m.
(specify day(s) and times): to _____ at _____ a.m. p.m.

Third weekend of the month from _____ at _____ a.m. p.m.
(specify day(s) and times): to _____ at _____ a.m. p.m.

Fourth weekend of the month from _____ at _____ a.m. p.m.
(specify day(s) and times): to _____ at _____ a.m. p.m.

Fifth weekend of the month from _____ at _____ a.m. p.m.
(specify day(s) and times): to _____ at _____ a.m. p.m.

(2) ALTERNATE WEEKENDS (specify starting date):

Father Mother will have the children with him or her (specify day(s) and times): from _____
at _____ a.m. p.m. to _____ at _____ a.m. p.m.

(3) MID-WEEK

Father Mother will have the children with him or her (specify day(s) and times): from _____
at _____ a.m. p.m. to _____ at _____ a.m. p.m.

(4) Other (specify days and times as well as any additional conditions):

Continued on Attachment 2b(4).

c. A criminal protective order on form CR-160 is in effect: case number (specify):
(expiration date): in (specify county, if known):

3. SUPERVISED VISITATION

a. Father Mother will have supervised visitation with the minor children according to the schedule
 set forth in item 2 above to be determined by the parents.

b. The visits will be supervised by (name):

c. The supervisor's phone number is:

4. TRANSPORTATION FOR VISITATION AND PLACE OF EXCHANGE

a. Transportation to the visits must be provided by Father Mother
 Other (specify):

b. Transportation from the visits must be provided by Father Mother
 Other (specify):

c. The children must be delivered and picked up from (specify location):

d. Other (specify):

CASE NAME:	CASE NUMBER: JUVENILE: FAMILY:
------------	--------------------------------------

Instruction for Law Enforcement

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 order (see Pen. Code, § 136.2 and Fam. Code, §§ 6383(h)(2), 6405(b).):

1. *EPO*: If one of the orders is an *Emergency Protective Order* (Form EPO-001) and it is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. *No-Contact Order*: If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence in enforcement over any other restraining or protective order.
3. *Criminal Order*: If none of the orders includes a no-contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
4. *Family, Juvenile, or Civil Order*: If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i> TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR <i>(Name):</i> _____	<p style="font-size: 1.2em; font-weight: bold;">DRAFT</p> <p style="font-size: 1.2em; font-weight: bold;">Not approved by the Judicial Council</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME:	CASE NUMBER: JUVENILE: FAMILY:
ANSWER TO REQUEST FOR RESTRAINING ORDER—JUVENILE	RELATED CASES <i>(if any):</i>

1. Name of person who asked for the order:

 2. Your name:
 Your address *(skip this if you have a lawyer; if you want your address to be private, give a mailing address instead):*

 3. Personal conduct order
 I do do not agree to the order requested.

 4. **Move-out order**
 I do do not agree to the order requested.

 5. Stay-away order
 I do do not agree to the order requested.

 6. *If you were served with a Restraining Order (form JV-250 or form JV-255), you cannot own or possess any guns, firearms, or ammunition. You must turn in (surrender) to local law enforcement or sell to, or store with, a licensed gun dealer all guns and firearms owned by you or subject to your immediate possession or control and file a receipt from the law enforcement agency or the licensed gun dealer with the court within 48 hours after you received form JV-250. (See item 8 on form JV-250 or item 6 on form JV-255.) You may use Proof of Firearms Turned in, Sold, or Stored (form JV-252), for the receipt.*
 - a. I do not own or have any firearms.
 - b. A copy of the receipt is attached has already been filed with the court.

 7. The court should not make or issue a restraining order against me because *(list facts or reasons below):*
- Check here if there is not enough space for your answer. Put your complete answer on an attached piece of paper and write "Attachment 7" as a title. Number of pages attached:*

I declare under penalty of perjury under the laws of the State of California that the foregoing and all attachments are true and correct.
 Date:

(TYPE OR PRINT NAME)
(SIGNATURE OF PETITIONER)

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (<i>Name</i>): _____	DRAFT Not approved by the Judicial Council	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
CASE NAME:		
NOTICE OF HEARING <input type="checkbox"/> AND TEMPORARY RESTRAINING ORDER—JUVENILE		CASE NUMBER: JUVENILE: FAMILY:

1. Protected person or persons

Full Name: _____ Sex: _____ Age: _____ Relationship to Child: _____

2. Restrained person

Full Name: _____					
Sex: <input type="checkbox"/> M <input type="checkbox"/> F	Height: _____	Weight: _____	Hair Color: _____	Eye Color: _____	
Race: _____	Age: _____		Date of Birth: _____		
Address (<i>if known</i>): _____					
City: _____	State: _____		Zip: _____		

3. Expiration date/Notice of court hearing

A court hearing is scheduled on the request for restraining orders against the person in item 2. Any temporary orders granted will expire at the end of the hearing scheduled for the date and time shown in the box below unless otherwise ordered. At the hearing, the judge may make restraining orders that could last up to three years.

<div style="border: 1px solid black; border-radius: 15px; padding: 5px; display: inline-block;"> Hearing Date & Time </div>	→	Date: _____	Time: _____	Name and address of court if different from above: Dept.: _____ Room: _____
--	---	-------------	-------------	--

CASE NAME:	CASE NUMBER:
------------	--------------

4. Hearing on this temporary restraining order
- a. Date hearing held: _____ Time: _____ Dept.: _____ Room: _____
- b. Judicial officer (*name*): _____
- c. Persons and attorneys present (*names*): _____

5. Temporary orders (*select one*)
- a. Granted. The court has granted the temporary orders that are checked below.
- b. Not granted. No temporary orders are granted pending the scheduled hearing in item 3.

THE COURT FINDS AND ORDERS

6. Restrained person (child in delinquency proceedings) (*Complete either 6 or 7, not both.*)
- a. is a ward of the court or the subject of a petition under Welfare and Institutions Code section 601 or 602 and **must not** contact, threaten, stalk, or disturb the peace of the person or persons in item 1.
- b. may have peaceful contact with the protected person(s) in item 1 only for the safe exchange of children for court-ordered visitation as stated in the attached family, juvenile, or probate court order in Case No.: _____ issued on (*date*): _____, as an exception to the "no-contact" provision in item 6a of this order.
- c. may have peaceful contact with the protected person(s) in item 1 only for the safe exchange of children for visitation as stated in a family, juvenile, or probate court order issued after the date this order is signed, as an exception to the "no-contact" provision in item 6a of this order.

7. Restrained person (other than child in delinquency proceeding) (*Complete either 6 or 7, not both.*)
- a. **must not do the following things to the person or persons in item 1:**
- (1) Molest, attack, strike, stalk, threaten, sexually assault, batter, harass, destroy the personal property of, or disturb the peace.
- (2) Contact, either directly or indirectly in **any** way, including but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text message, by fax, or by other electronic means.
 except for visitation as indicated in c below.
- b. **must stay away** at least (*specify*): _____ yards from (*check all that apply*).
- (1) protected person or persons in item 1, except for visitation as indicated in item c below.
- (2) home of person or persons in item 1.
- (3) job or workplace of person or persons in item 1.
- (4) vehicle of person or persons in item 1.
- (5) school of person or persons in item 1.
- (6) the child(ren)'s school or child care.
- (7) Other (*specify*): _____
 except for visitation as indicated in item c below.
- c. has the right to visit the child(ren) named in item 1 as follows:
- (1) None
- (2) Visitation according to the attached schedule (*Form JV-205 must be attached if any visitation is ordered.*)
- d. **must move** immediately from (*address*): _____

and take only personal clothing and belongings.
- e. **must NOT** take any action to get the address or location of any person(s) named in item 1 or the addresses or locations of the family members, caregivers, or guardians of any person(s) named in item 1. If this box is not checked, the court has found good cause not to make this order.

CASE NAME:	CASE NUMBER:
------------	--------------

8. **No guns or other firearms or ammunition** (*applies only if box 5a is checked on this form*)
- a. The restrained person cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.
 - b. The restrained person must
 - within 24 hours of receiving this order sell to, or store with, a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms within his or her immediate possession or control.
 - within 48 hours of receiving this order file with the court a receipt that proves guns have been turned in, sold, or stored. (*Proof of Firearms Turned In, Sold, or Stored* (form DV-800/JV-252) may be used for the receipt.)
 - bring a copy of the receipt or *Proof of Firearms Turned In, Sold, or Stored* (form DV-800/JV-252) to the hearing listed in item 3.
 - c. The court has received information that the restrained person owns or possesses a firearm.
9. The protected person(s) have the right to record communications made by the restrained person that violate the court's orders.
10. **Other orders** (*specify*):

11. A criminal protective order on form CR-160 is in effect as follows:
 Case number: _____ Expiration date: _____ County (*if known*): _____

12. **Transmittal order.** The data in this order must be transmitted within one business day to law enforcement personnel. This order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS).

- a. The court will enter the order into CARPOS through CLETS directly.
- b. The court or its designee will transmit a copy of the order to a local law enforcement agency authorized by the Department of Justice to enter orders into CARPOS through CLETS.

If designee, insert name: _____

13. Service of temporary order

- a. The restrained person was present at the time the order was made. No further service is needed.
- b. The restrained person was not present at the time the order was made. This order must be served.

14. Service of this notice of hearing must be at least five or (*specify*): _____ days before the hearing.

Date:

JUDICIAL OFFICER

CASE NAME:	CASE NUMBER:
------------	--------------

Warnings to the Restrained Person

If you do not obey these orders, you can be arrested and charged with a crime. You may have to go to jail or prison, pay a fine of up to \$1,000, or both. Taking or hiding a child in violation of this order is subject to state and federal criminal penalties.

You cannot have guns, firearms, or ammunition. If the box in item 5a is checked, the court issued a temporary restraining order, which means you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while the order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to, or store with, a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms that you have or control. The judge will ask you for proof that you did so. If you do not obey this order, you can be charged with a crime. Federal law says you cannot have guns or ammunition while the order is in effect.

Service of order by mail. If the judge makes a restraining order at the hearing that has the same orders as in this form, you will get a copy of that order by mail at your last known address, which is written in item 2. If this address is not correct, or to find out if the orders were made permanent, contact the court.

Instruction for Law Enforcement

Applicable only if the box in item 5a is checked.

Enforcing the restraining order. This order is effective when made. It is enforceable in all 50 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 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 proof of service on the restrained person has not been received and the restrained person was not present at the court hearing, the law enforcement agency shall advise the restrained person of the terms of the order and then shall enforce it.

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 order (see Pen. Code, § 136.2 and Fam. Code, §§ 6383(h)(2), 6405(b).):

1. *EPO*: If one of the orders is an *Emergency Protective Order* (Form EPO-001) and it is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. *No-Contact Order*: If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence in enforcement over any other restraining or protective order.
3. *Criminal Order*: If none of the orders includes a no-contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
4. *Family, Juvenile, or Civil Order*: If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

Certificate of Compliance With VAWA for Temporary Orders

This temporary protective order meets all full faith and credit requirements of the Violence Against Women Act, 18 U.S.C. § 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 all jurisdictions throughout the 50 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.**

CLERK'S CERTIFICATE

[SEAL] I certify that the foregoing *Temporary Restraining Order—Juvenile* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (<i>Name</i>): _____	<h2 style="margin: 0;">DRAFT</h2> <h3 style="margin: 10px 0 0 0;">Not approved by the Judicial Council</h3>	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____		
CASE NAME: _____		
RESTRAINING ORDER—JUVENILE Order After Hearing		CASE NUMBER: _____ JUVENILE: _____ FAMILY: _____

1. Protected person or persons

<u>Full Name</u>	<u>Sex</u>	<u>Age</u>	<u>Relationship to Child</u>
------------------	------------	------------	------------------------------

2. Restrained person

Full Name:			
Sex: <input type="checkbox"/> M <input type="checkbox"/> F	Height:	Weight:	Hair Color:
Race:		Age:	Eye Color:
Address (<i>if known</i>):			
City:		State:	Zip:

3. Order after hearing

- a. This order after hearing expires on (*date and time*):
- If no expiration date is written, the restraining order ends three years after the date of the hearing, as indicated below.
 - If no time is written, the restraining order ends at midnight on the expiration date.

b. Date hearing held: _____ Time: _____ Dept.: _____ Room: _____

c. Judicial officer (*name*): _____

d. Persons and attorneys present (*names*): _____

e. The restrained person was present. No further service is needed.

f. The restrained person was not present. This order must be served.

(1) The orders on this form are the same as in the prior temporary restraining order except for the expiration date, and the temporary order and notice of hearing was personally served on the restrained person. The restrained person can be served by mail.

(2) The orders on this form are different from those in the prior temporary restraining order. An adult 18 years or older—not the person or persons to be protected—must personally serve a copy of this order on the restrained person.

CASE NAME:	CASE NUMBER:
------------	--------------

THE COURT FINDS AND ORDERS

4. Restrained person (child in delinquency proceedings) *(Complete either 4 or 5, not both.)*
- a. is a ward of the court or the subject of a petition under Welfare and Institutions Code section 601 or 602 and **must not** contact, threaten, stalk, or disturb the peace of the person or persons in item 1.
- b. may have peaceful contact with the protected person(s) in item 1 only for the safe exchange of children for court-ordered visitation as stated in the attached family, juvenile, or probate court order in Case No. _____ issued on *(date)*: _____, as an exception to the "no-contact" provision in item 4a of this order.
- c. may have peaceful contact with the protected person(s) in item 1 only for the safe exchange of children for visitation as stated in a family, juvenile, or probate court order issued after the date this order is signed, as an exception to the "no-contact" provision in item 4a of this order.
5. Restrained person (other than child in delinquency proceedings) *(Complete either 4 or 5, not both.)*
- a. **must not do the following things to the person or persons in item 1:**
- (1) Molest, attack, strike, stalk, threaten, sexually assault, batter, harass, destroy the personal property of, or disturb the peace.
- (2) Contact, either directly or indirectly in **any** way, including but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text message, by fax, or by other electronic means
 except for visitation as indicated in c below.
- b. **must stay away** at least *(specify)*: _____ yards from *(check all that apply)*
- (1) protected person or persons in item 1, except for visitation as indicated in item c below.
- (2) home of person or persons in item 1.
- (3) job or workplace of person or persons in item 1.
- (4) vehicle of person or persons in item 1.
- (5) school of person or persons in item 1.
- (6) the children's school or child care.
- (7) Other *(specify)*: _____
 except for visitation as indicated in c below
- c. has the right to visit the child(ren) named in item 1 as follows:
- (1) None
- (2) Visitation according to the attached schedule *(Form JV-205 must be attached if any visitation is ordered.)*
- d. must move immediately from *(address)*: _____

 and take only personal clothing and belongings.
- e. must NOT take any action to get the address or location of any person named in item 1 or the addresses or locations of the family members, caregivers, or guardians of any persons named in item 1. If this box is not checked, the court has found good cause not to make this order.
6. **No guns or other firearms or ammunition**
- a. The restrained person cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.
- b. The restrained person must _____
- within 24 hours of receiving this order sell to, or store with, a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms within his or her immediate possession or control.
 - within 48 hours of receiving this order file with the court a receipt that proves guns have been turned in, sold, or stored. *(Proof of Firearms Turned In, Sold, or Stored (form DV-800/JV-252) may be used for the receipt.)*
- c. The court has received information that the restrained person owns or possesses a firearm.
7. A criminal protective order on form CR-160 is in effect as follows:
 Case number: _____ Expiration date: _____ County *(if known)*: _____
8. The protected persons have the right to record communications made by the restrained person that violate the judge's orders.

CASE NAME:

CASE NUMBER:

9. **Other orders** (*specify*):

10. **Transmittal order.** The data in this order must be transmitted within one business day to law enforcement personnel. This order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS).

- a. The court will enter the order into CARPOS through CLETS directly.
- b. The court or its designee will transmit a copy of the order to a local law enforcement agency authorized by the Department of Justice to enter orders into CARPOS through CLETS.

If designee, insert name:

Date:

 JUDICIAL OFFICER

Warnings to the Restrained Person

If you do not obey these orders, you can be arrested and charged with a crime. You may have to go to jail or prison, pay a fine of up to \$1,000, or both. Taking or hiding a child in violation of this order is subject to state and federal criminal penalties.

You cannot have guns, firearms, or ammunition. You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while the order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms that you have or control. The judge will ask you for proof that you did so. If you do not obey this order, you can be charged with a crime. Federal law says you cannot have guns or ammunition while the order is in effect.

Instruction for Law Enforcement

Enforcing the restraining order. This order is effective when made. It is enforceable in all 50 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 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 proof of service on the restrained person has not been received and the restrained person was not present at the court hearing, the law enforcement agency shall advise the restrained person of the terms of the order and then shall enforce it.

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 order (see Pen. Code, § 136.2 and Fam. Code, §§ 6383(h)(2), 6405(b).):

1. *EPO*: If one of the orders is an *Emergency Protective Order* (Form EPO-001) and it is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. *No-Contact Order*: If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence in enforcement over any other restraining or protective order.
3. *Criminal Order*: If none of the orders includes a no-contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
4. *Family, Juvenile, or Civil Order*: If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

CASE NAME:	CASE NUMBER:
------------	--------------

Certificate of Compliance With VAWA for Orders After Hearing

This protective order meets all full faith and credit requirements of the Violence Against Women Act, 18 U.S.C. § 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 afforded reasonable notice and an opportunity to be heard as provided by the laws of this jurisdiction. **This order is valid and entitled to enforcement in all jurisdictions throughout the 50 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.**

CLERK'S CERTIFICATE

[SEAL]

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

Date: _____ Clerk, by _____, Deputy

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

List of All Commentators, Overall Positions on the Proposal, and General Comments				
	Commentator	Position	Comment	Committee Response
1)	Department of Justice, Law Enforcement Support Program California Restraining & Protective Order System Vivian E. Garcia, Field Representative On behalf of group	N/I	<p>1) The age on all forms should be replaced with actual DOB for all protected persons. Age can be helpful when DOB is unknown for the restrained. Only exact DOB can be entered for protected persons, there is no data field code for age;</p> <p>2) On all 800 forms Proof of Firearms Turned In, Stored, or Sold: Should add a statement to indicate that the courts must send a copy of the DV-800 form to local law enforcement for entry into the Automated Firearms System (AFS);</p> <p><u>Blanket statement</u></p> <p>Protected party information on all forms should include DOB, sex, and race. Age is okay to include, in case the DOB is unknown, but it is more helpful for entry to have the exact DOB for all protected persons. DOB for the restrained is mandatory for entry.</p>	<p>1) Commentator was informed about Form CLETS-001 (Confidential CLETS Information) and California Rules of Court, rule 1.51, which require the person seeking the order to submit identifying information. The department of justice noted that Form CLETS-001 and Rule 1.51 address their concerns regarding DOB, sex, and age for all protected persons.</p> <p>2) Family code 6389(c)(2)(B) requires the restrained person to file a copy of the receipt with the law enforcement agency that served the order. The commentator does not indicate legal authority for a requirement that the court send a copy of the receipt to law enforcement.</p>

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

List of All Commentators, Overall Positions on the Proposal, and General Comments				
	Commentator	Position	Comment	Committee Response
2)	Los Angeles Center for Law and Justice Suma Mathai, Supervising Family Law Attorney On behalf of group	AM	See comments on specific provisions below.	
3)	California Partnership to End Domestic Violence Krista Niemczyk, Public Policy Manager On behalf of group	N/I	<p>Re: Invitation to Comment W14-07 – Domestic Violence: Changes to Family and Juvenile Law Restraining Order Forms</p> <p>1) In response to the recent invitation to comment, the California Partnership to End Domestic Violence (the Partnership) respectfully submits the following feedback. As the federally recognized State Domestic Violence Coalition for California, representing over 200 organizations and individuals statewide, united in their commitment to safety and justice for victims, we recognize the importance of updated and easily understood forms and we thank you for your attention to these forms and for the opportunity to comment on the proposed changes. The proposed changes include several helpful updates, and we thank the Family and Juvenile Law Advisory Committee for these proposals. We will focus our comments here on specific suggestions for improvement to the proposals.</p>	1) No response required.

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

List of All Commentators, Overall Positions on the Proposal, and General Comments				
	Commentator	Position	Comment	Committee Response
			<p>2) Implementation of AB 176 – Enforcement Priorities We appreciate the Court’s attention to clarifying the new enforcement priorities with the passage of AB 176. The Partnership is concerned that this new priority structure will be confusing for all parties involved, and we encourage the Court to continue considering ways to provide clear and concise guidance. We appreciate the use of a numbered list format for explaining the enforcement priorities, as it appears to help with quick comprehension of the information.</p> <p>3) Implementation of AB 157 We appreciate the Court’s commitment to using clear and understandable language on the forms. We agree with your recommendation to use the text “Impersonate (on the internet, electronically or otherwise)” rather than restating the statute verbatim. We agree with the committee’s assessment that this language will be readily understood by the public and addresses the intent of this legislation.</p>	<p>2) No response required.</p> <p>3) No response required.</p>
4)	Los Angeles County Sheriff’s Department	AM	The JV-205–Child Custody form should have a designated field to list each name of the children	Although this form did not circulate for public comment, the committee decided that this change

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

List of All Commentators, Overall Positions on the Proposal, and General Comments				
	Commentator	Position	Comment	Committee Response
	Court Services Division Civil Management Bureau Protective Order Section/Information Systems Section Marie Hazlett, HCRSC Not on behalf of group		the order pertains to. The court often enters only the one child from the case title in the child’s name field and the order does not specify whether it pertains only to that named child or other children that may be listed as protected on the restraining order. Listing all names on the JV-205 would clarify which children the visitation order pertains to.	to the form was a minor substantive change that is unlikely to create controversy and recommends that the council adopt it without circulating it for comment
5)	Harriett Buhai Center for Family Law Meredith Alexander, Staff Attorney On behalf of group	AM	General Comment: As we have pointed out in the past, we believe the Domestic Violence forms do not adequately enable a litigant to request a Restraining Order After Hearing (ROAH) without going through the ex parte process and requesting a Temporary Restraining Order (TRO). We believe this is inconsistent with the law and practice. Under the statutory scheme of the Domestic Violence Prevention Act, there is no requirement that a litigant seek a TRO in order to obtain a ROAH. While we understand it is the exceptional case that a litigant would not want a TRO, there are situations in which a litigant could seek a ROAH but would not need or qualify for a TRO. One such example is if the person the litigant seeks protection from is currently incarcerated. A TRO would not be necessary, but the litigant has the right to seek a ROAH to be protected before the other party is released from custody. The person seeking protection should not have to wait until the situation	The committee notes that the overwhelming majority of petitioners seek temporary orders pending a hearing. The suggested checkbox could cause confusion because litigants may not fully understand the temporary order procedure. Petitioners could unintentionally check the box, resulting in lack of a temporary order when it would have otherwise been sought. In the unusual circumstance where a litigant seeks a hearing without a temporary order the petitioner should note that request in the “Other orders” section on form DV-100 and specify that the request is only for a hearing, without temporary orders so that the court will schedule the hearing. Due to the potential for confusion on such a substantive issue, the suggestion would need to be circulated for comment.

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

List of All Commentators, Overall Positions on the Proposal, and General Comments				
	Commentator	Position	Comment	Committee Response
			<p>warrants the need for a TRO.</p> <p>As the forms currently stand, there is no way for the court to know whether or not a litigant is seeking a TRO or just a ROAH. Therefore, the court will always review all requests assuming the litigant is seeking a TRO and potentially hold a hearing on the TRO, even if the litigant never intended to seek a TRO. This unnecessarily wastes court and judicial resources.</p> <p>To clarify the forms, procedure and save judicial economy, we recommend including an option on the DV-100 that a litigant can check to indicate that s/he is only seeking a ROAH and is not requesting a TRO. For example:</p> <p>“[] A Temporary Restraining Order is not requested at this time.”</p>	
6)	<p>The State Bar of California Family Law Section The Executive Committee of the Family Law Section of the State Bar of California On behalf of group</p> <p>Contacts: Andrew Cain</p>	A	<p>The Executive Committee of the Family Law Section of the State Bar (FLEXCOM) supports Proposal W14-07.</p> <p>Date position taken: January 13, 2014 Executive Committee vote: 11-0-0</p> <p>Basis for Position: FLEXCOM supports these revisions to the</p>	No response required.

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

List of All Commentators, Overall Positions on the Proposal, and General Comments				
	Commentator	Position	Comment	Committee Response
	<p>Legal Advocates for Children and Youth</p> <p>Saul Bercovitch Legislative Counsel The State Bar of California</p> <p><u>DISCLAIMER:</u></p> <p>This position is only that of the FAMILY LAW SECTION of the State Bar of California. This position has not been adopted by either the State Bar's Board of Governors or overall membership, and is not to be construed as representing the position of the State Bar of California.</p>		forms and Rule of Court. Almost all of the changes are required due to changes in the law, and FLEXCOM agrees with the changes not required by law. FLEXCOM was the sponsor of AB 161, which necessitated some of the required changes, to enable persons seeking a restraining order to request orders protecting insurance beneficiaries.	
7)	<p>Superior Court of Santa Clara County Hon. Christine Copeland, Commissioner On behalf of group</p>	AM	See comments on specific provisions below.	
8)	<p>San Diego Family Court Virginia S. Johnson, Staff Attorney</p> <p>NOTE: All comments and recommendations in this document are submitted by Virginia S. Johnson, Staff Attorney for the San Diego Family Court, strictly as an individual in consultation with Judge Maureen F. Hallahan. No comments or</p>	N/I	See comments on specific provisions below.	

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

List of All Commentators, Overall Positions on the Proposal, and General Comments				
	Commentator	Position	Comment	Committee Response
	recommendations in this document are to be considered as being submitted, approved or endorsed by the San Diego Superior Court.			
9)	Los Angeles County Superior Court On behalf of group	AM	<p>Addition of Family Code section 6325.5 which authorizes the court to issue a DVPA order “restraining any party from cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance or other coverage held for the benefit of the parties, or their child or children, if any, for whom support may be ordered, or both.”</p> <p><i>Assembly Bill 161 states: “ Existing law requires a court in a proceeding for dissolution of marriage or legal separation of the parties to issue a temporary restraining order enjoining both parties from cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance or other coverage held for the benefit of the parties and their child or children, for whom support may be ordered. Existing law also authorizes a court in a domestic violence proceeding to issue ex parte protective orders, as specified.</i></p>	The committee agrees to revise the text to restate the statute.

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

List of All Commentators, Overall Positions on the Proposal, and General Comments				
	Commentator	Position	Comment	Committee Response
			<p><i>This bill would specifically authorize, on and after July 1, 2014, a court in a domestic violence proceeding to issue an ex parte order restraining any party from cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance or other coverage held for the benefit of the parties, or their child or children, if any, for whom support may be ordered, or both.</i></p> <p>It is unclear whether this bill is intending to extend these protections just to married parties who file a DVPA action – in which case the DVPA forms need to clarify in #18 that this relief is available only to married parties. Or, is it the intent of the bill is to extend this relief to any party filing a DVPA, regardless of marital status? If the latter is the case, although the court clearly has the authority to order a party to maintain insurance benefits for children of the party, it is unclear, absent the fiduciary duty found within a marriage, where the court derives its authority to require a party to maintain insurance benefits or coverage for the other party.</p>	
10)	Orange County Bar Association Thomas H. Bienert, Jr., President On behalf of group	A	No narrative comments submitted.	No response required.
11)	Superior Court of California, County of	AM	See comments on specific provisions below.	See responses to comments below.

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

List of All Commentators, Overall Positions on the Proposal, and General Comments				
	Commentator	Position	Comment	Committee Response
	San Diego Mike Roddy, Executive Officer On behalf of group			
12)	The State Bar of California Standing Committee on the Delivery of Legal Services Sharon Ngim, Program Dev. & Staff Liaison On behalf of group	AM	See comments on specific provisions below.	See responses to comments below.
13)	Riverside County Probation Department Allison Paterson, Executive Secretary On behalf of group	N/I	<p>W14-07: Domestic Violence: Revise Family and Juvenile Law Restraining Order Forms</p> <p>As previously mentioned, there are many judicial council forms involving restraining orders. The above proposal would revise certain Domestic Violence Prevention Act (PC 6300) forms and CRC 5.630 to comply with recently enacted legislation.</p> <p>As previously mentioned, Penal Code Section 29830 was recently modified to allow a restrained person to store their firearm at a licensed firearm dealer during the period of the order.</p> <p>Assembly Bill 161 (Stats. 2013, ch. 261) adds section 6325.5 to the Family Code, which allows the court to restrain “any party from cashing, borrowing against, canceling,</p>	

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

List of All Commentators, Overall Positions on the Proposal, and General Comments				
Commentator	Position	Comment	Committee Response	
		<p>transferring... insurance or other coverage for the benefits of the parties...”</p> <p>Assembly Bill 176 (Stats. 2013, Ch 263) amends (primarily) Penal Code Section 136.2, to provide for 10 year orders, and to clarify the order in which various types of restraining orders are enforced.</p> <p>Assembly Bill 157 (Stats. 2013, ch. 260) amends Family Code Section 6320 (as discussed above) to allow the family court to issue ex-parte restraining orders prohibiting a party from impersonating others (PC 528.5; PC 529).</p> <p>The proposal will amend CRC 5.630 to remove the precedence of juvenile court orders and establish a new hierarchy of restraining-order enforcement. (this appears to comply with PC Section 136.2, as well).</p> <p>Department Response: These proposed changes are unlikely to impact our department in any substantial way. As mentioned above, the changes modify court procedures. Aside from the juvenile court officer being aware of the parties involved in the restraining order and passing the information along to line staff, it does not appear to have much of an impact.</p>	<ul style="list-style-type: none"> No response required. 	

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

List of All Commentators, Overall Positions on the Proposal, and General Comments				
	Commentator	Position	Comment	Committee Response
			<p>The request for comment had six specific questions relating to the proposed changes.</p> <p>They are:</p> <p>Question: Does the proposal appropriately address the stated purpose?</p> <p>Answer: Yes.</p> <p>Question: Is the proposed language regarding the enforcement priority of orders sufficiently clear and accurate?</p> <p>Answer: Yes.</p> <p>Question: Is the proposed language regarding prohibition of impersonation at item 6 on forms DV- 100, DV-110, and DV-130 sufficiently clear and accurate? 7</p> <p>Answer: Yes.</p>	<ul style="list-style-type: none"> • No response required. • No response required.
14)	Mark Skinner Facilitator Superior Court of Siskiyou County Not on behalf of group	N/I	See comments on specific provisions below.	See responses to comments below.

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

Rule 5.630		
Commentator	Comment	Committee Response
<p>Superior Court of California, County of San Diego Mike Roddy, Executive Officer On behalf of group</p>	<p>Rule 5.630. Restraining orders</p> <p>...</p> <p>(k)...</p> <p>(1) If one of the orders is an <i>Emergency Protective Order</i> (form EPO-001) and it is more restrictive than the other restraining or protective orders, it has precedence in enforcement;</p>	<p>The committee has amended rule 5.630 to correct the grammar.</p>
<p>Los Angeles Center for Law and Justice Suma Mathai, Supervising Family Law Attorney On behalf of group</p>	<p>Domestic Violence: Changes to Family and Juvenile Law Restraining Order Forms (Agree with modifications)</p> <p><i>Is the proposed language regarding the enforcement priority of orders sufficiently clear and accurate?</i></p> <p>While the proposed language for Rule 5.630(k) is clear regarding the enforcement priority of restraining or protective orders, section (4) regarding the enforcement of family or juvenile orders may cause confusion. The statement that “the [order] that was issued last must be enforced” may be read to mean that the most recent custody/visitation order is the <i>only</i> order to be enforced.</p> <p>In our family law practice we commonly see families that have disjointed orders regarding different aspects of their family law orders. For instance, at an initial hearing on a Request for Order, a court may make orders regarding custody and visitation, as well as other orders such as telephonic contact with the minor. At a subsequent hearing, that same court may</p>	<p>The committee has removed the subdivision governing the enforcement precedence of conflicting restraining orders. The committee discussed this subdivision and decided that the enforcement priority of restraining orders in AB 157 applies to law enforcement officers and is therefore not appropriate in a rule of court which addresses court procedures.</p>

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

Rule 5.630		
Commentator	Comment	Committee Response
	make additional orders that do not override or conflict with the initial orders (e.g. manner or location of exchange, communication between parties, etc.), which remain in effect. Limiting enforcement only to the last family law order issued may preclude enforcement of valid existing orders. We recommend that the proposed language of Rule 5.630(k)(4) be changed to read, “If more than one family, juvenile, or other civil restraining or protective order has been issued, the most recent order on that issue one that was issued last must be enforced.”	
Superior Court of California, County of San Diego Mike Roddy, Executive Officer On behalf of group	This proposal includes a minor amendment to Rule 5.630. It would be helpful to add something in Rule 5.630 about firearm relinquishment, even if it is just a reference to Rule 5.488.	The committee will revise rule 5.630 to include a reference to proposed rule 5.495. If that rule is not adopted, the reference to it will be removed from rule 5.630.

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

DV-800/JV-252-INFO		
Commentator	Comment	Committee Response
Department of Justice, Law Enforcement Support Program California Restraining & Protective Order System Vivian E. Garcia, Field Representative On behalf of group	On all 800 Proof of Firearms Turned In, Stored, or Sold: Should include a statement: Courts must send a copy of the DV-800 form to local law enforcement for entry into the Automated Firearms System (AFS).	The commentator does not provide a legal basis for requiring the court to transmit receipts to law enforcement.
Harriett Buhai Center for Family Law Meredith Alexander, Staff Attorney On behalf of group	<p>Proposed Changes to DV-800/JV-252</p> <ol style="list-style-type: none"> Item 5, we recommend inserting commas to clarify the options as follows, “Keep a copy and give the original to the person who sold the firearms to, or stored them with, you.” Request for Specific Comments: We believe the form should be revised to include a section for the restrained person to declare that he or she does not possess, own or control any firearms. We believe that this would be appropriate because it would further put the restrained person on notice that they are not allowed to have firearms, help ensure that the restrained person understand the ramifications of the restraining order, and it would require that this form always be submitted under penalty of perjury in all cases, even if the restrained person does not have access to firearms. <p>Proposed Changes to DV-800-INFO/JV-252-INFO</p> <ol style="list-style-type: none"> Item 2, we recommend inserting commas as follows, “Sell 	<ol style="list-style-type: none"> The committee recommends certain grammatical revisions for clarity. The committee appreciates this comment and will consider it in collaboration with other committees responsible for other civil restraining order forms. The committee recommends grammatical revisions

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

DV-800/JV-252-INFO		
Commentator	Comment	Committee Response
	it to, or store it with, a licensed gun dealer.”	for clarity.
<p>San Diego Family Court Virginia S. Johnson, Staff Attorney</p> <p>NOTE: All comments and recommendations in this document are submitted by Virginia S. Johnson, Staff Attorney for the San Diego Family Court, strictly as an individual in consultation with Judge Maureen F. Hallahan. No comments or recommendations in this document are to be considered as being submitted, approved or endorsed by the San Diego Superior Court.</p>	<p>(3) To the person selling, storing, or turning in firearms: When you sell, store, or turn in your firearms, ask law enforcement or the gun dealer to complete item (4) or (5) and item (6). After the form is signed, file the original with the court clerk and get two (2) file stamped copies. - Take one copy to the law enforcement agency that served the restraining order and keep the other a copy for your [records.] (For clarification.)</p> <p>For help, read Form DV-800-INFO/JV/252-INFO.</p>	<p>The committee notes that space limitations on the section do not allow for the suggested text.</p>
<p>Superior Court of California, County of San Diego Mike Roddy, Executive Officer On behalf of group</p>	<ul style="list-style-type: none"> • Does the proposal appropriately address the stated purpose? Yes. • Should form DV-800/JV-252 be revised to mirror the two-page format of form CH-800? Our court likes the format of the CH-800 and think the JV-252 should mirror that one. • Should form DV-800/JV-252 be revised to include a section for the restrained person to declare that he or she does not possess, own, or control any firearms? Yes. <p style="text-align: center;">DV-800/JV-252 Proof of Firearms Turned In, Stored, or Sold</p>	<p>No response required.</p> <p>The committee agrees to change to the format of CH-800.</p> <p>The committee appreciates this comment and will consider it in collaboration with other committees responsible for other civil restraining order forms.</p>

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

DV-800/JV-252-INFO		
Commentator	Comment	Committee Response
	<p>1. Item 2 – for consistency of style among forms</p> <p>Your address (<i>skip this if you have a lawyer</i>); (; if you want your address to be private, give a different mailing address instead):</p> <p>Item 3 – for consistency of style among forms ...</p> <p>To the person <u>selling, storing or turning in firearms in 2:</u></p> <p>... or for consistency within form</p> <p>To the person <u>turning in, selling, or storing</u> or turning in firearms:</p> <p>Item 4 – for consistency of style among forms</p> <p>Fill out parts items 4 and 6 [<i>insert space</i>] of this form. Keep a copy and give the original to the person who turned in the firearms.</p> <p>Item 5 – for consistency of style among forms</p> <p>Fill out parts items 5 and 6 [<i>insert space</i>] of this form. Keep a copy and give the original to the person who sold the firearms to or stored them with you.</p> <p>Item 6 – italicize and edit as shown for consistency of style among forms</p>	<p>1. The committee proposes to change the style and format to that of Form CH-800, which addresses all of these suggestions.</p>

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

DV-800/JV-252-INFO		
Commentator	Comment	Committee Response
	<p><i>Check here if there are more firearms. Attach a sheet of paper and write “DV-800/JV-252, Item 6 Firearms Turned In, Stored, or Sold” at the top as a title. Include make, model, and serial number for all other firearms.</i></p> <p>Page 1, footer (center bottom margin) – see, e.g., Form DV-800-INFO/JV-252 INFO</p> <p>(Domestic Violence Prevention/<u>Juvenile</u>)</p> <p>2. DV-800-INFO/JV-252-INFO How Do I Turn In, Store, or Sell My Firearms?</p> <p>Lower right box – for consistency within form</p> <p>DO:</p> <ul style="list-style-type: none"> · unload your firearm. · put your firearm in the trunk. · call ahead to the police department law enforcement agency 	<p>2. Agree.</p>
The State Bar of California Standing Committee on the Delivery of Legal Services	Re forms DV-800 and JV-252, there should be a section for the restrained person to declare that he or she does not possess, own, or control any firearms. This would make it clear if no proof of firearms storage or sale is submitted.	The committee appreciates this comment and will consider it in collaboration with other committees responsible for other civil restraining order forms.
Mark Skinner Facilitator Superior Court of Siskiyou County Not on behalf of group	I like the sticky note picture on page one of the DV-800-info it will be noticed and avoid dangerous situations with law enforcement. I am assuming law enforcement has had some input on the firearm turn in process. I am also assuming that when a firearms check is run that includes CCW permits which	No response required.

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

DV-800/JV-252-INFO		
Commentator	Comment	Committee Response
	should be revoked or suspended if the permit is issued by the county issuing the DVTRO.	
Riverside County Probation Department Allison Paterson, Executive Secretary On behalf of group	<p>Question: Should form DV-800/JV-252 (Proof of Firearms Turned In or Sold) be revised to mirror the two-page format of form CH-800 (Proof of Firearms Turned In or Sold)? That form includes a query regarding whether the restrained person has any firearms not disclosed on the receipt and a signature line for the restrained person under penalty of perjury. The form is included in a separate invitation to comment; the form currently in effect may be viewed at www.courts.ca.gov/documents/ch800.pdf.</p> <p>Answer: Yes. We prefer the layout of CH-800.</p> <p>Question: Should form DV-800/JV-252 (Proof of Firearms Turned In or Sold) be revised to include a section for the restrained person to declare that he or she does not possess, own, or control any firearms?</p> <p>Answer: Not sure where they'd fit it in (the form is one page, and already filled). If they decided to use the DV-800 format, we would recommend it be added.</p>	<p>No response required.</p> <p>The committee appreciates this comment and will consider it in collaboration with other committees responsible for other civil restraining order forms.</p>

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

JV-250		
Commentator	Comment	Committee Response
<p>Mark Skinner Facilitator Superior Court of Siskiyou County Not on behalf of group</p>	<p>Item 8(a) on JV-250 indicates that the restrained party cannot own a firearm. It needs to be clear that turning over a firearm to a licensed Gun Dealer is an alternative to the requirement to “not Own” any firearms.</p> <p>Also there are times when the protected party has firearms registered in his or her name that are in the possession of the restrained party. There should be a mechanism to return those firearms to the protected party and, if they have a peaceful contact order and reunify, a notice, that firearms cannot be in the home of the restrained person even if they do not own the firearm. Rural and Frontier counties tend to have firearms in most households. It is a basic requirement for safety, unless one of the dangers is a household member.</p>	<p>Family Code section 6389 prohibits a person who is subject to a restraining order from owning guns. Any confusion about this prohibition and the option to store guns needs to be resolved by the legislature.</p> <p>The suggested mechanism to return firearms to a protected party and notice upon reunification that the firearms cannot be in the home of the restrained person did not circulate for public comment, and thus, the committee cannot revise the form at this time. The committee will consider these comments in a future cycle.</p>
<p>Department of Justice, Law Enforcement Support Program California Restraining & Protective Order System Vivian E. Garcia, Field Representative On behalf of group</p>	<p>JV-250 item 1: Replace age with DOB and add race.</p>	<p>The commentator was informed that information such as DOB and race is on <i>Confidential CLETS Information Form</i> (form CLETS-001) and that this form must be submitted to the court when requesting a restraining order in writing. The commentator stated that this satisfied the Department of Justice’s concerns on this issue.</p>

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

JV-250		
Commentator	Comment	Committee Response
	JV-250 item 2: Relationship to child information was removed. Why?	This information was removed because it was often too complicated to include, for example: “mother’s boyfriend’s uncle” and because there is no statutory requirement limiting who can be restrained based on the relationship to the child as there is in DVPA actions where the restrained and protected persons must have or have had a statutorily required relationship.
Harriett Buhai Center for Family Law Meredith Alexander, Staff Attorney On behalf of group	<p>Proposed Changes to JV-250</p> <p>Page 2, item 6.c, should have a box to check. This is an exception to the no-contact order and should be carefully considered before granting it. It should not be automatic.</p> <p>Page 3, item 8.b, insert commas as follows, “sell to, or store with, a licensed gun dealer, or turn in to a law enforcement agency, any guns...”</p> <p>Page 3, item 8.b, bullet 2, there is an extra space between “Proof of” and “Firearms.”</p> <p>Page 4, box: Warnings to the Restrained Person, paragraph 2, insert commas as follows, “sell to, or store with, a licensed gun dealer, or turn in to a law enforcement agency, any guns...”</p>	<p>The committee has revised the form to include a check box for the peaceful contact for visitation exception to the no-contact order.</p> <p>The committee has revised the form to improve punctuation.</p> <p>The committee has revised the form to delete this extra space.</p> <p>The committee has revised the form to improve punctuation.</p>
Superior Court of California, County of San Diego Mike Roddy, Executive Officer On behalf of group	<p>Item 1 – Protected person(s)</p> <p>Item 3 – A court hearing is scheduled on the request for restraining order(s) against the person in item 2.</p>	The committee has revised the form to indicate that there may be only one protected person and one request for restraining order.

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

JV-250		
Commentator	Comment	Committee Response
	<p>Lower Right Footer – Adjust line division of citations to same format used in Form JV-255 and add CRC 5.630</p> <p style="text-align: center;">Welfare and Institutions Code, §§ 213.5, 213.7, 304, 362.4, 726.5; Family Code, §§ 6218, 6380, 6389; Penal Code, §§ 136.2, 29825 Cal. Rules of Court, rule 5.630 www.courts.ca.gov</p> <p>Items 6 and 7</p> <p>THE COURT FINDS AND ORDERS <i>(Complete either item 6 or item 7, not both.)</i></p> <p>6. The restrained person (child in delinquency proceedings) <i>(Complete either 6 or 7, not both.)</i></p> <p>a. is a ward of the court or the subject of a petition under Welfare and Institutions Code section 601 or 602 and must not contact, threaten, stalk, or disturb the peace of the person or person(s) in item 1.</p> <p>b. may have peaceful contact with the protected person(s) in item 1 only for the safe exchange of children for court-ordered visitation as stated in the attached Ffamily, Jjuvenile, or Pprobate court order in Case No.: issued on (date): , as an exception to the "no-contact" provision in item 6. a. on this order.</p>	<p>The committee has revised the form to clarify the applicable code sections and rule of court. The committee has also added proposed rule 5.488 to the footer. If that rule is not adopted, the reference in the form will be removed.</p> <p>The committee recommends leaving the instructions with just item 6 and item 7. Including that instruction in the header that applies to multiple findings and orders may lead one to believe that only 6 or 7 need to be completed and not items 8-13.</p> <p>The committee has revised the form to replace the phrase “the person or persons” with “anyone” to improve readability and make the form easier to understand.</p> <p>The committee has revised the form to replace the phrase “the person or persons” with “anyone” to improve readability and make the form easier to understand. The committee has revised the form to use lower case letters to describe the various courts. The committee recommends including the phrase “on this order”, as circulated for public comment, to improve</p>

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

JV-250		
Commentator	Comment	Committee Response
	<p>c. may have peaceful contact with the protected persons in item 1 only for the safe exchange of children for visitation as stated in a Ffamily, Jjuvenile, or Pprobate court order issued after the date this order is signed, as an exception to the "no-contact" provision in item 6 a. on this order.</p> <p>7. The restrained person (other than child in delinquency proceeding) (Complete either 6 or 7, not both.)</p> <p>a. must not do the following things to the person or persons in item 1: (1) Mmolest, attack, strike, stalk, threaten, sexually assault, batter, harass, destroy the personal property of, or disturb the peace of the person(s) in item 1. (2) Contact the person(s) in item 1, either directly or indirectly in any way, including but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text message, by fax, or by other electronic means.</p> <p style="padding-left: 40px;">except for visitation as indicated in item 7.c. below.</p> <p>b. must stay away at least (<i>specify</i>): yards from (<i>check</i></p>	<p>clarity.</p> <p>The committee has revised the form to use lower case letters to describe the various courts. The committee recommends including the phrase "on this order" to improve clarity.</p> <p>The committee has revised the form to improve grammar. The committee recommends leaving the instructions with just item 6 and item 7. Including that instruction in the header that applies to multiple findings and orders may lead one to believe that only 6 or 7 need to be completed and not items 8-13.</p> <p>The committee has revised the form to replace the phrase "the person or persons" with "anyone" to improve readability and make the form easier to understand.</p> <p>The committee recommends including the word "below," as circulated for public comment, to improve clarity.</p>

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

JV-250		
Commentator	Comment	Committee Response
	<p><i>all that apply</i>):</p> <p>(1) protected person or person(s) in item 1, except for visitation as indicated in <u>item 7.c</u> below.</p> <p>(2) home of person or person(s) in item 1.</p> <p>(3) job or workplace of person or person(s) in item 1.</p> <p>(4) vehicle of person or person(s) in item 1.</p> <p>(5) school of person or person(s) in item 1.</p> <p>(6) the child(ren)'s school or child care.</p> <p>(7) Other (<i>specify</i>): except for visitation as indicated in <u>item 7.c</u> below.</p> <p>c. has the right to visit the minor child(ren) named in item 1 as follows: . . .</p> <p>e. must NOT take any action to get the address or location of any person(s) named in item 1 or the addresses or locations of the family members, caregivers, or guardians of any person(s) named in item 1. If this box is not checked, the court has found good cause not to make this order.</p> <p>Item 8</p> <p>No guns or other firearms or ammunition (<i>applies only if box in item 5.a. is checked on this form</i>)</p> <p>Item 8.b.</p>	<p>The committee has revised the form to replace the phrase “the person or persons” with “anyone” to improve readability and make the form easier to understand.</p> <p>The committee recommends including the word “below,” as circulated for public comment, to improve clarity.</p> <p>The committee has revised the form to improve grammar and to allow for a visitation order for one child.</p> <p>The committee has revised the form to improve grammar and to allow for orders for more than one person.</p> <p>The committee recommends including the phrase “on this form,” as circulated for public comment, to improve clarity.</p> <p>The committee has revised the form to improve</p>

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

JV-250		
Commentator	Comment	Committee Response
	<p>The restrained person must</p> <p>within 24 hours of receiving this order, sell to or store with a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms within his or her immediate possession or control. This must be done within 24 hours of being served with this order.</p> <p>within 48 hours of receiving this order, file with the court a receipt that proves guns have been turned in, stored, or sold. (<i>Proof of [close gap] Firearms Turned In, Stored, or Sold</i> (Form DV-800/JV-252) may be used for the receipt.)</p> <p>bring a copy of the receipt or <i>Proof of Firearms Turned In, Stored, or Sold</i> (Form DV-800/JV-252) to the hearing listed in item 3.</p> <p>Item 9</p> <p>The protected person(s) have the right to record communications made by the restrained person that violate the judgecourt's orders.</p> <p>Item 11</p> <p>A criminal protective order on Form CR-160 is in effect as follows:</p> <p>Case number: (eExpiration date): County (<i>if known</i>): <i>[Change from italics to Roman]</i></p>	<p>readability and to have the required timeframes more prominent on the order.</p> <p>The committee recommends following AOC style and using lower case letters to refer to the form number.</p> <p>The committee recommends following AOC style and using lower case letters to refer to the form number.</p> <p>The committee has revised the form so that it can be applicable to one protected person, and to change “judge’s orders” to “court’s orders” so it applies to orders issued by any type of bench officer.</p> <p>The committee recommends following AOC style and using lower case letters to refer to the form number.</p> <p>The committee has revised the form to improve readability.</p>

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

JV-250		
Commentator	Comment	Committee Response
	<p>Item 13.a.</p> <p>RThe restrained person was present at the time the order was made. No further service is needed.</p> <p>Item 13.b.</p> <p>RThe restrained person was not present at the time the order was made. This order must be served.</p> <p>Page 4</p> <p>If you do not obey these orders, you can be arrested and charged with a crime. And yYou may have to go to jail or prison, pay a fine of up to \$1,000, or both. Taking or hiding a child in violation of this order is subject to state and federal criminal penalties.</p> <p>You cannot have guns, firearms, or ammunition. If <u>the box in item 5.a.</u> is checked, the court issued a temporary restraining order, which means you cannot own, have, possess, buy or try to buy, receive or ...</p> <p style="text-align: center;">Instruction for Law Enforcement</p> <p>Applicable only if <u>the box in item 5.a.</u> is checked.</p> <p>Enforcing the restraining order. This order is effective when made. It is enforceable in all 50 states, the District of Columbia, all tribal lands, and all U.S. territories, <u>commonwealths, and</u></p>	<p>The committee has revised the form to improve readability.</p> <p>The committee has revised the form to improve readability.</p> <p>The committee has revised the form to improve grammar.</p> <p>The committee has revised the form to improve grammar and readability.</p> <p>The committee has revised the form to improve grammar and readability.</p> <p>The committee has revised the form to include commonwealths and possessions.</p>

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

JV-250		
Commentator	Comment	Committee Response
	<p><u>possessions</u>, and shall be enforced as if it were an order of that jurisdiction 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). ...</p> <p>1. <i>EPO</i>: If one of the orders is an Emergency Protective Order (Form EPO-001) and it is more restrictive than other restraining or protective orders, it has precedence in enforcement over <u>must be enforced before</u> all other orders.</p> <p>2. <i>No-Contact Order</i>: If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence in enforcement over <u>must be enforced before</u> any other restraining or protective order.</p> <p>3. <i>Criminal Order</i>: If none of the orders includes a no-contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over <u>must be enforced before</u> any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.</p> <p><i>Per proposed amendment to CRC rule 5.630(k)(4)</i>:</p> <p>4. <i>Family, Juvenile, or Civil Order</i>: If more than one family, <u>juvenile</u>, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.</p> <p>This temporary protective order meets all full faith and credit requirements of the Violence Against Women Act, 18 U.S.C.</p>	<p>The committee notes that the suggestion may lead law enforcement to believe that a prior order may still be enforceable. The committee prefers the text as written.</p> <p>The committee has revised rule 5.630 to include juvenile restraining orders in the priority of enforcement subdivision.</p> <p>The committee has revised the form to correct the citation.</p>

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

JV-250		
Commentator	Comment	Committee Response
	<p>§ 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 all jurisdictions throughout the 50 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 those seat jurisdictions.</p>	

JV-255		
Commentator	Comment	Committee Response
<p>Mark Skinner Facilitator Superior Court of Siskiyou County Not on behalf of group</p>	<p>Item 6(a) indicates that the restrained party cannot own a firearm. It needs to be clear that turning over a firearm to a licensed Gun Dealer is an alternative to the requirement to “not Own” any firearms.</p> <p>Also there are times when the protected party has firearms registered in his or her name that are in the possession of the restrained party. There should be a mechanism to return those firearms to the protected party and, if they have a peaceful contact order and reunify, a notice, that firearms cannot be in the home of the restrained person even if they do not own the firearm. Rural and Frontier counties tend to have firearms in most households. It is a basic requirement for safety, unless</p>	<p>Family Code section 6389 prohibits a person who is subject to a restraining order from owning guns. Any confusion about this prohibition and the option to store guns needs to be resolved by the legislature.</p> <p>This comment would need to be addressed in the proposed rule on firearms relinquishment. The suggested mechanism to return firearms to a protected party and notice upon reunification that the firearms cannot be in the home of the restrained person did not circulate for public comment, and thus, the committee cannot revise the rule at this time. The committee will consider these comments if the firearms relinquishment rule is adopted</p>

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

JV-255		
Commentator	Comment	Committee Response
	one of the dangers is a household member.	and circulated for comment in a future cycle.
Department of Justice, Law Enforcement Support Program California Restraining & Protective Order System Vivian E. Garcia, Field Representative On behalf of group	JV-255 item 1: Replace age with DOB and add race. JV-255 item 2: Relationship to child information was removed. Why?	The commentator was informed that information such as DOB and race is on <i>Confidential CLETS Information Form</i> (form CLETS-001) and that this form must be submitted to the court when requesting a restraining order in writing. The commentator stated that this satisfied the Department of Justice’s concerns on this issue. This information was removed because it was often too complicated to include, for example: “mother’s boyfriend’s uncle” and because there is no statutory requirement limiting who can be restrained based on the relationship to the child as there is in DVPA actions where the restrained and protected persons must have or have had a statutorily required relationship.
Harriett Buhai Center for Family Law Meredith Alexander, Staff Attorney On behalf of group	Proposed Changes to JV-255 Page 2, item 6.b, insert commas as follows, “sell to, or store with, a licensed gun dealer, or turn in to a law enforcement agency, any guns...” Note: Pursuant to Welfare and Institutions Code section 213.5(d)(1), a restraining order issued in juvenile court shall last no more than 3 years. However, the Domestic Violence Prevention Act (DVPA) was amended to allow restraining orders to be issued for up to 5 years. See Family Code sections 6302, 6345, 6361. The Welfare and Institutions Code should	The committee has revised the form to improve punctuation. The Judicial Council sponsored legislation to coordinate the various protective orders. The Protective Order Working Group (POWG) comprised of members of different advisory committees decided to leave the length at which restraining orders in juvenile cases could be issued at 3 years. This was due to the nature of

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

JV-255		
Commentator	Comment	Committee Response
	similarly be amended to be consistent with the DVPA.	juvenile court cases, in particular that reunification services are typically provided, and parents often reunify with their children. If a protective order is needed for longer than three years, a party can apply for a new one before the expiration of the current order.
Superior Court of California, County of San Diego Mike Roddy, Executive Officer On behalf of organization	<p>Item 1 – Protected person or person(s)</p> <p>Item 2 – Insert above box (flush left), see, e.g., JV-250: Restrained person</p> <p>Item 3.e. – The restrained person was present. No further service <u>is</u> needed.</p> <p>Item 3.f. - The restrained person was not present. This order must be served.</p> <p>Item 3.f. (1) - The judge’s orders in on this form are the same as in the prior temporary restraining order except for the expiration date, and the temporary order and notice of hearing was personally served on the restrained person. The restrained person can be served by mail.</p> <p>Item 3.f. (1) – The judge’s orders on this form are different from those in the prior temporary restraining order. An adult 18 years or older—not the any person or persons to be protected—must personally serve a copy of this order on the restrained person.</p>	<p>The committee recommends that the form be approved with the language “person or persons” as it is easier to read and comprehend.</p> <p>The committee has revised the form to improve consistency.</p> <p>The committee has revised the form to improve grammar.</p> <p>The committee has revised the form to improve grammar.</p> <p>The committee has revised the form so it can be used for orders issued by any type of bench officer.</p> <p>The committee has revised the form so it can be used for orders issued by any type of bench officer and to improve grammar.</p>

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

JV-255		
Commentator	Comment	Committee Response
	<p>Items 4 and 5</p> <p>THE COURT FINDS AND ORDERS <i>(Complete either item 4 or item 5, not both.)</i></p> <p>4. RThe restrained person (child in delinquency proceedings) <i>(Complete either 4 or 5, not both.)</i></p> <p>a. is a ward of the court or the subject of a petition under Welfare and Institutions Code section 601 or 602 and must not contact, threaten, stalk, or disturb the peace of the person or person(s) in item 1.</p> <p>b. may have peaceful contact with the protected person(s) named above in item 1 only for the safe exchange of children for court-ordered visitation as stated in the attached family, juvenile, or probate court order in Case No. _____ issued on (date): _____, as an exception to the "no-contact" provision in item 4. a. on this order.</p> <p>c. may have peaceful contact with the protected person(s) named above in item 1 only for the safe exchange of children for visitation as stated in a family, juvenile, or probate court order issued after the date this order is signed, as an exception to the "no-contact" provision in item 4. a. on this order.</p> <p>5. RThe restrained person (other than child in delinquency</p>	<p>The committee recommends leaving the instructions with just item 4 and item 5. Including that instruction in the header that applies to multiple findings and orders may lead one to believe that only 4 or 5 needs to be completed and not items 6-10.</p> <p>The committee recommends that the form be approved with the language "person or persons" as it is easier to read and comprehend and to be consistent with the other types of protective orders.</p> <p>The committee has revised the form to indicate "item 1" rather than "named above" to improve readability and to make the order easier to enforce. The committee has also revised the form so that the orders can apply to more than one person. The committee recommends including the phrase "on this order," as circulated for public comment, to improve clarity.</p> <p>The committee has revised the form to indicate "item 1" rather than "named above" to improve readability and to make the order easier to enforce. The committee has also revised the form so that the orders can apply to more than one person.</p> <p>The committee has revised the form to improve</p>

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

JV-255		
Commentator	Comment	Committee Response
	<p>proceeding) (Complete either 4 or 5, not both.)</p> <p>a. must not do the following things to the person or persons in item 1:</p> <p>(1) Molest, attack, strike, stalk, threaten, sexually assault, batter, harass, destroy the personal property of, or disturb the peace of the person(s) in item 1.</p> <p>(2) Contact the person(s) in item 1, either directly or indirectly in any way, including but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text message, by fax, or by other electronic means.</p> <p style="padding-left: 40px;">except for visitation as indicated in item 5.c. below.</p> <p>b. must stay away at least (<i>specify</i>): yards from (<i>check all that apply</i>):</p> <p>(1) protected person or person(s) in item 1, except for visitation as indicated in item 7.c. below.</p> <p>(2) home of person or person(s) in item 1.</p> <p>(3) job or workplace of person or person(s) in item 1.</p> <p>(4) vehicle of person or person(s) in item 1.</p> <p>(5) school of person or person(s) in item 1.</p> <p>(6) the child(ren)'s school or child care.</p>	<p>grammar. The committee recommends leaving the instructions with just item 4 and item 5. Including that instruction in the header that applies to multiple findings and orders may lead one to believe that only 4 or 5 needs to be completed and not items 6-10.</p> <p>The committee has revised the form to replace the phrase “the person or persons” with “anyone” to improve readability and make the form easier to understand.</p> <p>The committee has revised the form to replace the phrase “protected person or persons” with “anyone” to improve readability and make the form easier to understand. The committee recommends referring to item c, as the visitation order is contained in item 5c. There is no item 7c on the form. The committee recommends including the descriptor “below,” as circulated for public comment, to improve clarity.</p>

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

JV-255		
Commentator	Comment	Committee Response
	<p>(7) Other (<i>specify</i>): except for visitation as indicated in item 5.c. below.</p> <p>c. has the right to visit the minor child(ren) named in item 1 as follows:</p> <p>e. must NOT take any action to get the address or location of any person(s) named in item 1 or the addresses or locations of the family members, caregivers, or guardians of any person(s) named in item 1. If this box is not checked, the court has found good cause not to make this order.</p> <p>Item 6.a.</p> <p>RThe restrained person cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.</p> <p>Item 6.b.</p> <p>RThe restrained person must</p> <p>within 24 hours of receiving this order, sell to or store with a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms within his or her immediate possession or control. This must be done within 24 hours of being served</p>	<p>The committee recommends including the descriptor “below,” as circulated for public comment, to improve clarity.</p> <p>The committee has revised the form to improve grammar and so that it can be used to make a visitation order for one child.</p> <p>The committee has revised the form to replace the phrase “any person” with “anyone” to improve readability and so that it can be used to make orders for more than one person.</p> <p>The committee has revised the form to improve grammar.</p> <p>The committee has revised the form to improve grammar.</p> <p>The committee has revised the form to improve readability and to have the required timeframes more prominent on the order.</p>

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

JV-255		
Commentator	Comment	Committee Response
	<p>with this order.</p> <p>within 48 hours of receiving this order, file with the court a receipt that proves guns have been turned in, stored, or sold. (<i>Proof of Firearms Turned In, Stored, or Sold</i> (Form DV-800/JV-252) may be used for the receipt.)</p> <p>Item 7</p> <p>A criminal protective order on Form CR-160 is in effect as follows:</p> <p>Case number: (eExpiration date): County (<i>if known</i>): [Change from italics to Roman]</p> <p>Page 3</p> <p>If you do not obey these orders, you can be arrested and charged with a crime. And you may have to go to jail or prison, pay a fine of up to \$1,000, or both. Taking or hiding a child in violation of this order is subject to state and federal criminal penalties.</p> <p style="text-align: center;">Instruction for Law Enforcement</p> <p>Enforcing the restraining order. This order is effective when made. It is enforceable in all 50 states, the District of Columbia, all tribal lands, and all U.S. territories, <u>commonwealths, and possessions</u>, and shall be enforced as if it were an order of that jurisdiction by any law enforcement agency that has received</p>	<p>The committee recommends following AOC style and using lower case letters to refer to the form number.</p> <p>The committee recommends following AOC style and using lower case letters to refer to the form number.</p> <p>The committee has revised the form to improve readability.</p> <p>The committee has revised the form to improve grammar.</p> <p>The committee has revised the form to include commonwealths and possessions.</p>

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

JV-255		
Commentator	Comment	Committee Response
	<p>the order, is shown a copy of the order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS). ...</p> <p>1. <i>EPO</i>: If one of the orders is an Emergency Protective Order (Form EPO-001) and it is more restrictive than other restraining or protective orders, it has precedence in enforcement over must be enforced before all other orders.</p> <p>2. <i>No-Contact Order</i>: If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence in enforcement over must be enforced before any other restraining or protective order.</p> <p>3. <i>Criminal Order</i>: If none of the orders includes a no-contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over must be enforced before any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.</p> <p><i>Per proposed amendment to CRC rule 5.630(k)(4):</i></p> <p>4. <i>Family, Juvenile, or Civil Order</i>: If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.</p> <p>Page 4</p> <p>This protective order meets all full faith and credit requirements of the Violence Against Women Act, 18 U.S.C. § 2265, (1994) (VAWA) upon notice of the restrained person.</p>	<p>The committee notes that the suggestion may lead law enforcement to believe that a prior order may still be enforceable. The committee prefers the text as written.</p> <p>The committee has revised the form to mirror rule 5.630.</p> <p>The committee has revised the form to improve the citation and grammar.</p>

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

JV-255		
Commentator	Comment	Committee Response
	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 all jurisdictions throughout the 50 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 those at jurisdictions.	

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

DV-100		
Commentator	Comment	Committee Response
Department of Justice, Law Enforcement Support Program California Restraining & Protective Order System Vivian E. Garcia, Field Representative On behalf of group	DV-100 item 1: Replace age with DOB and add sex and race DV-100 Item 3: Replace Age with DOB, shorten full name so race can be added.	See response to general comments at item 1.
California Partnership to End Domestic Violence Krista Niemczyk, Public Policy Manager On behalf of group	<p>DV-100 Modification Since the Court will be updating the DV-100 form, we suggest taking the opportunity to address a typographical error in #7(b), where “School” is listed twice. Our suggested edit is:</p> <p>If the person listed in is ordered to stay away from all the places listed above, will he or she still be able to get to his or her home, school, job, workplace, school, or vehicle?</p>	The committee agrees.
Harriett Buhai Center for Family Law Meredith Alexander, Staff Attorney On behalf of group	<p>Proposed Changes to DV-100, DV-110 and DV-130</p> <ol style="list-style-type: none"> Page 3, item 9, to help clarify the statement, we recommend inserting several commas as indicated below: “Sell to, or store with, a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms within your immediate possession or control.” We recommend similarly adding commas to the same sentence in the paragraph after the heading “You cannot have guns, firearms, and/or ammunition” on page 5 of the DV-130. Page 4, item 18, it is unnecessary to include the phrase “currently in place,” or at a minimum it should not be bold. 	<ol style="list-style-type: none"> and 2: The committee recommends adding commas where appropriate. The committee agrees to remove the bold.

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

DV-100		
Commentator	Comment	Committee Response
	This phrase is not included in the statute and could be confusing to self-represented litigants.	
Superior Court of Santa Clara County Hon. Christine Copeland, Commissioner On behalf of group	If ammunition is required to be relinquished (as opposed to just not possessed during duration of the order) along with firearms, then that should be reflected in DV-100, DV-110, DV-120, DV-120 INFO, DV-130 and all other forms and/or rules where relinquishment is discussed.	California law does not require relinquishment of ammunition as is specified for a prohibited firearm.
Los Angeles County Superior Court On behalf of group	<p>DV-100, DV-110, DV-130 –</p> <p>1. Item #6 Agree that including the language regarding “impersonate (on the Internet, electronically or otherwise) is much more comprehensible to the general public than restating the statutes verbatim.</p> <p>2. Item # 6 and 6.a. Agree with removing the discretionary checkboxes to clarify that personal conduct orders are always granted if the court issues a restraining order. However, visually, we believe that there is a tendency to look for the checked boxes in a form, to see what provisions were ordered and applicable. Standard language that is not “checked” may be overlooked. In the interest of making it clearer to the restrained party as well as law enforcement, we propose the following use of bolding, rearranging and renumbering: #6. Personal Conduct Orders You must not do the following things to the person in (1) and □ persons in (3): a. Harass, attack, strike, threaten, assault (<i>sexually or otherwise</i>), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, impersonate (<i>on the Internet, electronically or</i></p>	<p>1. No response required.</p> <p>2. The committee appreciates the comment and will consider it when the forms are next revised.</p>

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

DV-100		
Commentator	Comment	Committee Response
	<p><i>otherwise</i>), or block movements</p> <p>Additionally, the following were: <input type="checkbox"/> Not requested <input type="checkbox"/> Denied until the hearing <input type="checkbox"/> Granted as follows:</p> <p>You must not do the following things to the person in (1) and <input type="checkbox"/> persons in (3):</p> <p><input type="checkbox"/> b. Contact, either directly or indirectly, in any way, including but not limited to, by telephone, mail, email or other electronic means</p> <p><input type="checkbox"/> c. Take any action directly or through others, to obtain the addresses or locations of the persons in (1) and (3) (<i>If this item is not checked, the court has found good cause not to make this order.</i>)</p> <p>d. Peaceful written contact through a lawyer or process server or another person for service of Form DV-120 (<i>Response to Request for Domestic Violence Restraining Order</i>) or other legal papers related to a court case is allowed and does not violate this order.</p> <p><input type="checkbox"/> e. Exceptions: Brief and peaceful contact with the person in (1), and peaceful contact with children in (3), as required for court-ordered visitation of children, is allowed unless a criminal protective order says otherwise.</p>	
<p>Superior Court of California, County of San Diego Mike Roddy, Executive Officer On behalf of organization</p>	<p><u>Request for Domestic Violence Restraining Order form (DV-100); Item 26: page 12 of the Invitation to Comment:</u></p> <p>In light of AB 157 (amending Family Code §6320), the paragraph providing a brief description of abuse should be updated and on all applicable domestic violence forms.</p> <p>Item 4 – for consistency of style among forms <i>If you do not have one of these relationships,</i></p>	<p>The committee agrees to incorporate the suggestions from Item 4 - Item 25.</p>

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

DV-100		
Commentator	Comment	Committee Response
	<p><i>the court may not be able to consider your request. Read Form DV-500-INFO for help.</i></p> <p>Item 7.a. - The child(ren)'s school or child care</p> <p>Item 7.b. - If the person listed in 2 is ordered to stay away from all the places listed checked above, will he or she still be able to get to his or her home, school, job, workplace, school, or vehicle?</p> <p>Item 9 – for consistency with Form DV-110, item 9 Guns or Other Firearms and or Ammunition</p> <p>Item 19 – see, e.g., item 17 <i>You must complete, file and serve Form FL-150, Income and Expense Declaration, before your hearing.</i></p> <p>Item 23 – see Form DV-200-INFO <i>For help, read Form DV-200-INFO, “What Is Proof of Personal Service?”</i></p> <p>Item 25 – see, e.g., item 17 <i>Read Form DV-112, Waiver of Hearing on Denied Request for Temporary Restraining Order, for more information.</i></p> <p>Item 26 – for clarity Abuse means to intentionally or recklessly cause or attempt to cause bodily injury to you; or to place you or another person in reasonable fear of imminent serious bodily injury; or to molest, attack, hit, stalk, threaten, batter, harass, or make annoying</p>	<p>Item 26. The committee notes that Fam. Code §6320 is not limited to annoying telephone calls.</p>

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

DV-100		
Commentator	Comment	Committee Response
	<p>telephone calls, or contact you; or to disturb your peace; or to destroy your personal property.</p> <p>Item 26.c. - Describe how the person in 2 abused you or your child(ren):</p> <p>Item 26.g. - Has the person in 2 abused you for your child(ren) other times?</p> <p>Item 26.g. – see, e.g., item 17 and item 26.c. <i>If yes, <input type="checkbox"/> check here and use Form DV-101, Description of Abuse, or a sheet of paper to describe any previous abuse on an attached sheet of paper and write “DV-100, Previous Abuse” for a title.</i></p>	<p>Item 26.c. The committee agrees.</p> <p>Item 26.g. The committee agrees.</p>
The State Bar of California Standing Committee on the Delivery of Legal Services	Re proposed language on prohibition of impersonation at item 6 on Forms DV-100, DV-110, and DV-130, the term “impersonate” should be defined to reflect section 528.5 of the Penal Code as referenced in AB 157. Although the term is explained as to <i>how</i> a person may be impersonated “on the Internet, electronically, or otherwise,” it would be helpful if the term were also defined as “to otherwise cause someone to reasonably believe that the person in (2) is me or someone listed in (3).” Without adding the definition of the word impersonate, the form could be detrimental to self-represented litigants who might be misled or confused as to what impersonate may mean.	The committee notes that the additional definition does not necessarily add to the common understanding of the term and may cause confusion.
Riverside County Probation Department Allison Paterson, Executive	Question: Does the proposed removal of checkboxes at item 6 on forms DV-100, DV-110, and DV-130 clarify that these orders are always granted, or would removal of the checkboxes	No response required.

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

DV-100		
Commentator	Comment	Committee Response
Secretary On behalf of group	cause confusion? Answer: Removal of the checkboxes indicates the orders are always granted.	

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

DV-110		
Commentator	Comment	Committee Response
<p>Mark Skinner Facilitator Superior Court of Siskiyou County Not on behalf of group</p>	<p>Item 9(b) DV-110 Item 9(a) indicates that the restrained party cannot own a firearm. It needs to be clear that turning over a firearm to a licensed Gun Dealer is an alternative to the requirement to “not Own” any firearms. Also there are times when the protected party has firearms registered in his or her name that are in the possession of the restrained party. There should be a mechanism to return those firearms to the protected party and, if they have a peaceful contact order and reunify, a notice, that firearms cannot be in the home of the restrained person even if they do not own the firearm. Rural and Frontier counties tend to have firearms in most households. It is a basic requirement for safety, unless one of the dangers is a household member.</p>	<p>Family Code section 6389 prohibits a person who is subject to a restraining order from owning guns. Any confusion about this prohibition and the option to store guns needs to be resolved by the legislature.</p> <p>The suggested mechanism to return firearms to a protected party and notice upon reunification that the firearms cannot be in the home of the restrained person did not circulate for public comment, and thus, the committee cannot revise the form at this time. The committee will consider these comments in a future cycle.</p>
<p>Department of Justice, Law Enforcement Support Program California Restraining & Protective Order System Vivian E. Garcia, Field Representative On behalf of group</p>	<ol style="list-style-type: none"> 1. DV-110 item 1: Add sex, DOB and race. 2. DV-110 item 3: Replace Age with DOB. Shorten relationship to add race. 3. DV-110 item 6: Reorganize item 6 by putting Items a. & b. first, as these apply, when granted. List c. next, and then list the other two optional check box items. 	<p>(Items 1 and 2): See response to general comments at item 1.</p> <p>The committee prefers to retain the current layout because moving the two optional checkboxes below (c) could be confusing.</p>
<p>Los Angeles Center for Law and Justice Suma Mathai, Supervising Family Law Attorney</p>	<p>On the DV-110, page 5, the proposed information regarding child support should be clarified and language added to reflect the language in the Spousal Support section. We propose the following changes in italics:</p>	<p>The committee agrees to clarify the text as suggested except for the sentence on general duty of support because there are other exceptions. The committee prefers the more general statement on duty of support</p>

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

DV-110		
Commentator	Comment	Committee Response
On behalf of group	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 <i>a parent's</i> paycheck. <i>Both parents have a duty to support their children until the child is age 18 or has graduated from high school.</i> File and serve a Financial Statement (Simplified) (Form FL-155) or an Income and Expense Declaration (Form FL-150) <i>if you want the judge to have accurate information</i> about your finances. <i>Otherwise the court may make support orders without hearing from you.</i>	that is on the form.
Los Angeles County Sheriff's Department Court Services Division Civil Management Bureau Protective Order Section/Information Systems Section Marie Hazlett, HCRSC Not on behalf of group	DV110 item #12-Child Custody and Visitation be changed to match item #12 on the DV130 giving the option of specifying another form on which custody and visitation may be ordered. Very often the court will order that the custody and visitation in a related family law case remain in effect and that other order is attached rather than the DV140 form as specified in the current verbiage.	The committee agrees to include an alternate form as an option.
Harriett Buhai Center for Family Law Meredith Alexander, Staff Attorney On behalf of group	1. Proposed Changes to DV-100, DV-110 and DV-130 Page 3, item 9, to help clarify the statement, we recommend inserting several commas as indicated below: "Sell to, or store with, a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms within your immediate possession or control." We recommend similarly adding commas to the same sentence in the paragraph after the heading "You cannot	1. The committee agrees to incorporate the suggested commas.

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

DV-110		
Commentator	Comment	Committee Response
	<p>have guns, firearms, and/or ammunition” on page 5 of the DV-130.</p> <p>2. Page 4, item 18, it is unnecessary to include the phrase “currently in place,” or at a minimum it should not be bold. This phrase is not included in the statute and could be confusing to self-represented litigants.</p>	<p>2. The committee agrees to remove the bold font.</p>
<p>Superior Court of Santa Clara County Hon. Christine Copeland, Commissioner On behalf of group</p>	<p>If ammunition is required to be relinquished (as opposed to just not possessed during duration of the order) along with firearms, then that should be reflected in DV-100, DV-110, DV-120, DV-120 INFO, DV-130 and all other forms and/or rules where relinquishment is discussed.</p>	<p>California law does not mandate relinquishment of ammunition as it does for prohibited firearms.</p>
<p>Los Angeles County Superior Court On behalf of group</p>	<p>1. DV-100, DV-110, DV-130 – Item #6 Agree that including the language regarding “impersonate (on the Internet, electronically or otherwise) is much more comprehensible to the general public than restating the statutes verbatim.</p> <p>2. Item # 6 and 6.a. Agree with removing the discretionary checkboxes to clarify that personal conduct orders are always granted if the court issues a restraining order. However, visually, we believe that there is a tendency to look for the checked boxes in a form, to see what provisions were ordered and applicable. Standard language that is not “checked” may be overlooked. In the interest of making it clearer to the restrained party as well as law enforcement, we propose the following use of</p>	<p>1. No response required.</p> <p>2. The committee appreciates the comment and will consider it when the forms are next revised.</p>

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

DV-110		
Commentator	Comment	Committee Response
	<p>bolding, rearranging and renumbering: #6. Personal Conduct Orders You must not do the following things to the person in (1) and <input type="checkbox"/> persons in (3): a. Harass, attack, strike, threaten, assault (<i>sexually or otherwise</i>), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, impersonate (<i>on the Internet, electronically or otherwise</i>), or block movements</p> <p>Additionally, the following were: <input type="checkbox"/> Not requested <input type="checkbox"/> Denied until the hearing <input type="checkbox"/> Granted as follows: You must not do the following things to the person in (1) and <input type="checkbox"/> persons in (3): <input type="checkbox"/> b. Contact, either directly or indirectly, in any way, including but not limited to, by telephone, mail, email or other electronic means <input type="checkbox"/> c. Take any action directly or through others, to obtain the addresses or locations of the persons in (1) and (3) (<i>If this item is not checked, the court has found good cause not to make this order.</i>) d. Peaceful written contact through a lawyer or process server or another person for service of Form DV-120 (<i>Response to Request for Domestic Violence Restraining Order</i>) or other legal papers related to a court case is allowed and does not violate this order. <input type="checkbox"/> e. Exceptions: Brief and peaceful contact with the person in (1), and peaceful contact with children in (3), as required for court-ordered visitation of children, is allowed unless a criminal protective order says otherwise.</p>	

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

DV-110		
Commentator	Comment	Committee Response
	<p>3. DV-110 and DV-130 Conflicting Orders – This information is intended for police officers in the field attempting to understand and enforce restraining orders. The order of priority seems unduly complex. Is there a better way to explain?</p>	<p>3. The statute is quite lengthy. The committee attempted to shorten the text on the form as much as possible while accurately reflecting the statute.</p>
<p>Superior Court of California, County of San Diego Mike Roddy, Executive Officer On behalf of organization</p>	<p>Our court recommends the following additional changes:</p> <p>1) <u>Page 3 of the Invitation to Comment:</u></p> <p style="padding-left: 40px;">The addition of the proposed text “<i>impersonate (on the Internet, electronically or otherwise)</i>” to implement AB 157 (amending Family Code §6320), is too general, particularly with the Temporary Restraining Order form (DV-110) (item 6(a)). It is not just mere impersonation that violates the law. The proposed text on the forms makes it appear that a litigant can seek a domestic violence restraining order against a person who is impersonating them, whether credibly or not. As a compromise between restating the statute verbatim and the above proposed text, the following underlined additional text is proposed for all forms with the above language:</p> <p style="padding-left: 40px;">“Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, <u>credibly impersonate (on the Internet, electronically or otherwise)</u>, <u>falsely personate</u>, or block movements”</p>	<p>1) The committee notes that the additional terms do not necessarily add to the common understanding of the meaning “impersonate” and may cause confusion. The committee will consider adding a more thorough explanation of the statute to information sheets in the future.</p>

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

DV-110		
Commentator	Comment	Committee Response
	<p>2) Item 6.b. – for consistency of style among forms Peaceful written contact through a lawyer or process server or another person for service of Form DV-120, (Response to Request for Domestic Violence Restraining Order), or other legal papers related to a court case is allowed and does not violate this order.</p> <p>3) Item 11 – for consistency of style within form The person in 2-You must stay at least _____ yards away from and not take, sell, transfer, encumber, ...</p> <p>4) Item 12 – for clarity The parent with temporary custody of the child must not remove the child from California until the court grants permission after a noticed hearing (<i>Fam. Code, 3063</i>).</p> <p>5) Item 14 – see, e.g., Form DV-130, item 14 Until the hearing, only the person in can use, control, and possess the following property and things:</p> <p>6) Item 18 – see, e.g., Form DV-130, item 18 Health, Automobile, and Other Insurance</p> <p>Item 18 – The <input type="checkbox"/> the <input type="checkbox"/> The person in 1 <input type="checkbox"/> the person in 2 is ordered NOT to cash, borrow against, cancel, transfer, dispose of, or change the beneficiaries</p> <p>7) Item 22 – <i>Check here if there are additional orders. List them on an attached sheet of paper and write “DV-110, eOther Orders” as a title.</i></p>	<p>2) The committee defers to the council style guide for references and other punctuation suggestions.</p> <p>3) The committee notes that the suggestion may confuse the reader into thinking that the item applies to the protected person because the suggested text immediately follows the reference to the “person in (1).”</p> <p>4) The committee agrees to clarify that parent cannot remove child from California unless the court allows it after a noticed hearing.</p> <p>5) The committee agrees.</p> <p>6) The committee agrees.</p> <p>7) The committee agrees.</p>

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

DV-110		
Commentator	Comment	Committee Response
	<p>8) Page 5, under “Conflicting Orders” Comment on numbered sentences 1 through 3: Consideration should be given to using plainer language for the phrase “has precedence in enforcement over,” which is not likely to be understood by most nonrepresented parties. See, e.g.:</p> <p>1. <i>EPO</i>: If one of the orders is an Emergency Protective Order (Form EPO-001), and it is more restrictive than other restraining or protective orders, it has precedence in enforcement over must be enforced before all other orders.</p> <p>2. <i>No-Contact Order</i>: If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence in enforcement over must be enforced before any other restraining or protective order.</p> <p>3. <i>Criminal Order</i>: If none of the orders includes a no-contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over must be enforced before any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.</p> <p><i>Per proposed amendment to CRC rule 5.630(k)(4):</i> 4. <i>Family, Juvenile, or Civil Order</i>: If more than one family, juvenile, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.</p>	<p>8) The committee notes that the suggestion may lead law enforcement to believe that a prior order may still be enforceable. The committee prefers the text as written.</p> <p>The committee has revised the form to mirror the language in rule 5.630.</p>
The State Bar of California Standing Committee on the	Re proposed language on prohibition of impersonation at item 6 on Forms DV-100, DV-110, and DV-130, the term	The committee notes that the additional definition does not necessarily add to the common understanding of the

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

DV-110		
Commentator	Comment	Committee Response
Delivery of Legal Services	<p>“impersonate” should be defined to reflect section 528.5 of the Penal Code as referenced in AB 157. Although the term is explained as to <i>how</i> a person may be impersonated “on the Internet, electronically, or otherwise,” it would be helpful if the term were also defined as “to otherwise cause someone to reasonably believe that the person in (2) is me or someone listed in (3).” Without adding the definition of the word impersonate, the form could be detrimental to self-represented litigants who might be misled or confused as to what impersonate may mean.</p>	<p>term and may cause confusion.</p> <p>The committee prefers for definitions to be included in information sheets in an effort to streamline the forms. The committee will consider adding a more thorough explanation of the statute to information sheets in the future.</p>
<p>Mark Skinner Facilitator Superior Court of Siskiyou County Not on behalf of group</p>	<p>Animals: Possession and Stay Away order</p> <p>The orders contemplate easily transportable pets.</p> <p>In Frontier and Rural counties there are concerns for livestock. Particularly Horses used for Competition in Rodeos and Horse Shows and Show Animals that children of the relationship might be raising for Fair.</p> <p>Animals that are being raised by children for fair or used regularly for competition or for show should be treated as the property of the children under these circumstances. There are requirements for primary care and feeding by the child in order to qualify with 4H and FFA so the children will need access to the animals fairly quickly without interference by the restrained party in order to remain competitive.</p> <p>Animals and Kids are part of the control mechanism that batterers use to control their victim.</p>	<p>The commentator does not suggest specific text to address the concern. The committee notes that the wording is general to allow for livestock in addition to transportable pets.</p>

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

DV-110		
Commentator	Comment	Committee Response
California Partnership to End Domestic Violence Krista Niemczyk, Public Policy Manager On behalf of group	<p>Consistency Between Forms – DV-110 and DV-130</p> <p>This is a general comment on ways to increase consistency and clarity between forms. Although this was not a proposal put forward for comment, we would encourage the court to consider making these changes as part of the form updates under consideration. Currently, the language of the DV-110 and 130 forms are disparate regarding service, explanation and enforcement of the orders. It is unclear why this is the case as the language is equally applicable to both orders. Many victims face challenges with law enforcement regarding lack of service, understanding the order and how to enforce the order. The DV-130 includes helpful language that would be beneficial to include on the DV-110. Also, because DV-110 orders are issued more frequently than the DV-130 orders, the clarity provided by the additional language would have a broader impact. Finally, by making the instructions to law enforcement regarding service consistent on both forms, it will be easier for law enforcement to follow.</p>	The committee has attempted to make all warnings and notices consistent where appropriate and as space allows.
Riverside County Probation Department Allison Paterson, Executive Secretary On behalf of group	<p>Question: Does the proposed removal of checkboxes at item 6 on forms DV-100, DV-110, and DV-130 clarify that these orders are always granted, or would removal of the checkboxes cause confusion?</p> <p>Answer: Removal of the checkboxes indicates the orders are always granted.</p>	The committee appreciates the comment and will consider it when the forms are next revised.

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

DV-120 and DV-120-INFO		
Commentator	Comment	Committee Response
Department of Justice, Law Enforcement Support Program California Restraining & Protective Order System Vivian E. Garcia, Field Representative On behalf of group	DV-120 item 1: Add sex, DOB and race.	After the comment was submitted, commentator was alerted that Form CLETS-001 supplies this information. The commentator noted that Form CLETS-001 addresses their concern.
Los Angeles Center for Law and Justice Suma Mathai, Supervising Family Law Attorney On behalf of group	On page 3 of the DV-120-INFO , we propose the following changes in italics for consistency: What if I do not have a Green Card <i>or U.S. Citizenship?</i> The order is valid even if you are not a U.S. Citizen <i>or lawful permanent resident (green card holder)</i> . If you are worried about <i>your immigration status</i> , talk to an immigration lawyer.	The committee agrees to incorporate the suggestion.
Harriett Buhai Center for Family Law Meredith Alexander, Staff Attorney On behalf of group	Proposed Changes to DV-120-INFO 1. Page 1, item 4, “What if the legal requirements are not met?” This seems unnecessary for Responding to a Request for Restraining Order. It is more fitting on the DV-100-INFO. 2. Page 2, item 3, “What if I have a gun or ammunition?” To help clarify the options, we recommend inserting commas in the second sentence as follows, “If you have a gun or other firearm in your immediate possession or control, you must sell it to, or store it with, a licensed gun dealer, or turn it in to a law enforcement agency.”	1. The committee has previously received public comments to provide as much information to both parties as possible. 2. Agree.

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

DV-120 and DV-120-INFO		
Commentator	Comment	Committee Response
Superior Court of Santa Clara County Hon. Christine Copeland, Commissioner On behalf of group	If ammunition is required to be relinquished (as opposed to just not possessed during duration of the order) along with firearms, then that should be reflected in DV-100, DV-110, DV-120, DV-120 INFO, DV-130 and all other forms and/or rules where relinquishment is discussed.	California law does not require the relinquishment of ammunition.
San Diego Family Court Virginia S. Johnson, Staff Attorney NOTE: All comments and recommendations in this document are submitted by Virginia S. Johnson, Staff Attorney for the San Diego Family Court, strictly as an individual in consultation with Judge Maureen F. Hallahan. No comments or recommendations in this document are to be considered as being submitted, approved or endorsed by the San Diego Superior Court.	<ol style="list-style-type: none"> 1. DV-120 (9) Turn In Guns or Other Firearms <i>If you were served with Form DV-110, Temporary Restraining Order, you must turn in any guns or firearms in your immediate possession or control. You must file an original receipt with the court from a law enforcement agency or a licensed gun dealer within 48 hours after you received Form DV-110. You must also file a copy of the receipt with the law enforcement agency that served the restraining [order.]</i> (See Fam. Code §6389(c)(2)(B) The information should provide the full extent of the law.) 2. (9)(d) [<input type="checkbox"/>] A copy of The original receipt showing that I turned in, stored, or sold my firearms is attached has already been filed with the court. 3. (9)(e) [<input type="checkbox"/>] A copy of the receipt showing that I turned in, stored, or sold my [<input type="checkbox"/>] firearms has been filed with the law enforcement agency that served the restraining order. 	<ol style="list-style-type: none"> 1. The committee notes that not all orders are served by law enforcement. The suggested text may cause confusion. 2. The committee notes that many litigants may not file documents prior to a hearing. Furthermore, the original receipt may have already been filed in a criminal case. 3. The committee notes that not all orders are served by law enforcement. The suggested text may cause confusion.
Los Angeles County Superior Court On behalf of group	<ol style="list-style-type: none"> 1. DV-120 #4. Relationship to Person Asking for Protection This language is unclear and could be interpreted by the restrained party as not agreeing to continue to engage in the relationship stated in item (4) on Form DV-100. 	<ol style="list-style-type: none"> 1. The committee agrees to incorporate the suggestion.

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

DV-120 and DV-120-INFO		
Commentator	Comment	Committee Response
	<p>Instead we propose: I do not agree <i>that the other party and I had the</i> relationship listed in item (4)</p> <p>2. DV-120 #9. Turn in Guns or Other Firearms Item # d. should be indented and included under item #c. and not listed as a separate item. It applies specifically to the issue in #c. and should not be optional if item #c is checked.</p>	<p>2. The committee agrees to eliminate the checkbox and incorporate the sentence into the preceding sentence.</p>
<p>Superior Court of California, County of San Diego Mike Roddy, Executive Officer On behalf of organization</p>	<p>DV-120</p> <p>1. Item 6 – see, e.g., Forms DV-100 & DV-110, item 6 Personal Conduct Orders</p> <p>2. Item 7 – see, e.g., Forms DV-100 & DV-110, item 7 Stay-Away Orders</p> <p>3. Item 9 – see, e.g., Form DV-110, item 9 Turn In Guns or Other Firearms or Ammunition</p> <p>4. Item 9.d. – A copy of the receipt showing that I turned in, stored, or sold my firearms <input type="checkbox"/> is attached <input type="checkbox"/> has already been filed with the court.</p> <p>5. Item 10 – see, e.g., Form DV-100, item 10 Record Unlawful Communications Order</p>	<p>The committee agrees to incorporate the suggestions.</p>

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

DV-120 and DV-120-INFO		
Commentator	Comment	Committee Response
	<p>6. Item 12 – see, e.g., Form DV-100, item 12</p> <p>Child Custody and Visitation Order</p> <p>7. Item 13 – see, e.g., Form DV-100, item 13</p> <p>Child Support Order <i>Whether or not you agree to pay support, you must fill out, serve, and file Form FL-150, Income and Expense Declaration, or FL-155, Financial Statement (Simplified).</i></p> <p>8. Item 14 – see, e.g., Form DV-100, item 14</p> <p>Property Control Order</p> <p>9. Item 15 – see, e.g., Form DV-100, item 15</p> <p>Debt Payment Order</p> <p>10. Item 16 – see, e.g., Form DV-100, item 16</p> <p>Property Restraint Order</p> <p>11. Item 17 – see, e.g., Form DV-100, item 17</p> <p>Spousal Support Order</p> <p>12. Item 18 – see, e.g., Form DV-100, item 18</p>	

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

DV-120 and DV-120-INFO		
Commentator	Comment	Committee Response
	<p>Health, Automobile, and Other Insurance</p> <p>13. Item 22 – Other Orders (see item 2122 on Form DV-100)</p> <p>14. Item 24 – for consistency of style among forms (see, e.g., Form DV-110, item 22) <input type="checkbox"/> Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write, “DV-120, Reasons I Do Not Agree,” as a title.</p>	
<p>Superior Court of California, County of San Diego Mike Roddy, Executive Officer On behalf of organization</p>	<p>DV120-INFO</p> <p>1. What is abuse? Abuse means to intentionally or recklessly cause or attempt to cause bodily injury to the protected person; or sexually assault the protected person; or to place the protected person or another person in reasonable fear of imminent serious bodily injury; or to molest, attack, hit, stalk, threaten, batter, harass, make annoying telephone calls to, or contact the protected person; or to disturb the protected person’s peace; or to destroy the protected person’s personal property. Abuse can be spoken, written, or physical.</p> <p>2. How long does the order last? If the court makes a temporary restraining order, it will last until the hearing date. At that time, the judge will decide to continue or cancel the order. The restraining order can last for up to five years. Custody, visitation, child support, and spousal support orders can last longer than five years, and</p>	<p>1. The committee notes that the statute is not limited to annoying telephone calls.</p> <p>2. The statute specifically states that custody, visitation and support orders survive the termination of a protective order. FC §6340(a).</p>

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

DV-120 and DV-120-INFO		
Commentator	Comment	Committee Response
	<p>they usually do not end when the restraining order ends.</p> <p>3. What if the person seeking protection contacts me? No matter what, you have to follow the court order. The order only says only what you can do or cannot do.</p> <p>4. Do I need a lawyer? Having a lawyer is always a good idea, especially if you have children, but it is not required.</p> <p>5. What if I am deaf or hard of hearing? – see, e.g., Form DV-710, p. 2 Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk’s office or go to www.courts.ca.gov/forms for <i>Request for Accommodations by Persons With Disabilities and Order Response</i> (Form MC-410). (Civil Code, § 54.8.)</p>	<p>3. The committee agrees to incorporate the suggestions from 3 - 5.</p>

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

DV-130		
Commentator	Comment	Committee Response
<p>Mark Skinner Facilitator Superior Court of Siskiyou County Not on behalf of group</p>	<p>Item 9(a) indicates that the restrained party cannot own a firearm. It needs to be clear that turning over a firearm to a licensed Gun Dealer is an alternative to the requirement to “not Own” any firearms. Also there are times when the protected party has firearms registered in his or her name that are in the possession of the restrained party. There should be a mechanism to return those firearms to the protected party and, if they have a peaceful contact order and reunify, a notice, that firearms cannot be in the home of the restrained person even if they do not own the firearm. Rural and Frontier counties tend to have firearms in most households. It is a basic requirement for safety, unless one of the dangers is a household member.</p>	<p>Family Code section 6389 prohibits a person who is subject to a restraining order from owning guns. Any confusion about this prohibition and the option to store guns needs to be resolved by the legislature.</p> <p>The suggested mechanism to return firearms to a protected party and notice upon reunification that the firearms cannot be in the home of the restrained person did not circulate for public comment, and thus, the committee cannot revise the form at this time. The committee will consider these comments in a future cycle.</p>
<p>Department of Justice, Law Enforcement Support Program California Restraining & Protective Order System Vivian E. Garcia, Field Representative On behalf of group</p>	<ol style="list-style-type: none"> 1. DV-130 Item 1: Add sex, DOB and race. 2. DV-130 item 3: Replace Age with DOB. Shorten relationship to add race. 3. DV-130 item 6: Reorganize item 6 by putting Items a. & b. first, as these apply, when granted. List c. next, and then list the other two optional check box items. 	<p>The committee notes that on (1) and (2) the commentator was alerted to Form CLETS (Confidential CLETS Information) and they noted that the form addresses their concerns.</p> <p>3. The committee prefers to retain the current layout because moving the two optional checkboxes below (c) “Exceptions” could be confusing.</p>
<p>Harriett Buhai Center for Family Law Meredith Alexander, Staff Attorney On behalf of group</p>	<p>Proposed Changes to DV-100, DV-110 and DV-130</p> <ol style="list-style-type: none"> 1. Page 3, item 9, to help clarify the statement, we recommend inserting several commas as indicated below: <p>“Sell to, or store with, a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms within your immediate possession or control.”</p>	<p>The committee agrees to incorporate the suggestions.</p>

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

DV-130		
Commentator	Comment	Committee Response
	<p>2. We recommend similarly adding commas to the same sentence in the paragraph after the heading “You cannot have guns, firearms, and/or ammunition” on page 5 of the DV-130.</p> <p>3. Page 4, item 18, it is unnecessary to include the phrase “currently in place,” or at a minimum it should not be bold. This phrase is not included in the statute and could be confusing to self-represented litigants.</p>	
<p>Superior Court of Santa Clara County Hon. Christine Copeland, Commissioner On behalf of group</p>	<p>If ammunition is required to be relinquished (as opposed to just not possessed during duration of the order) along with firearms, then that should be reflected in DV-100, DV-110, DV-120, DV-120 INFO, DV-130 and all other forms and/or rules where relinquishment is discussed.</p> <p>DV-130 item 5(c) page 2: I think "dept." should be changed to "Dept." with cap. D</p>	<p>California law does not require ammunition to be relinquished.</p> <p>The committee agrees to incorporate the suggestion.</p>
<p>San Diego Family Court Virginia S. Johnson, Staff Attorney</p> <p>NOTE: All comments and recommendations in this document are submitted by Virginia S. Johnson, Staff Attorney for the San Diego Family Court, strictly as an individual in consultation with Judge Maureen F. Hallahan. No comments or recommendations in</p>	<p>(9)(b) The person in 2 must: Sell to or store with a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms within his or her immediate possession or control. Do so within 24 hours of being served with this order.</p> <p>Within 48 hours of receiving this order, do both of the [following:] (Again, the order should include the full extent of the law.)</p> <ul style="list-style-type: none"> file with the court the original a receipt that proves guns 	<p>The committee notes that the restrained person may</p>

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

DV-130		
Commentator	Comment	Committee Response
<p>this document are to be considered as being submitted, approved or endorsed by the San Diego Superior Court.</p>	<p>have been turned in, stored, or sold. (<i>Form DV-800, Proof of Firearms Turned In, Stored, or Sold, may be used for the receipt.</i>)</p> <ul style="list-style-type: none"> File a copy of the receipt described above with the law enforcement agency that served the restraining order 	<p>have already filed the original receipt in connection with a previously issued criminal protective order.</p> <ul style="list-style-type: none"> The committee notes that not all orders are served by law enforcement so the suggested text may be confusing.
<p>Los Angeles County Superior Court On behalf of group</p>	<p>DV-100, DV-110, DV-130 –</p> <p>Item #6</p> <p>1. Agree that including the language regarding “impersonate (on the Internet, electronically or otherwise) is much more comprehensible to the general public than restating the statues verbatim.</p> <p>Item # 6 and 6.a.</p> <p>2. Agree with removing the discretionary checkboxes to clarify that personal conduct orders are always granted if the court issues a restraining order. However, visually, we believe that there is a tendency to look for the checked boxes in a form, to see what provisions were ordered and applicable. Standard language that is not “checked” may be overlooked. In the interest of making it clearer to the restrained party as well as law enforcement, we propose the following use of bolding, rearranging and renumbering:</p> <p>#6. Personal Conduct Orders You must not do the following things to the person in (1) and <input type="checkbox"/> persons in (3):</p> <p>a. Harass, attack, strike, threaten, assault (<i>sexually or otherwise</i>), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance,</p>	<p>1. No response required.</p> <p>2. The committee appreciates the comment and will consider it when forms are next revised.</p>

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

DV-130		
Commentator	Comment	Committee Response
	<p>impersonate (<i>on the Internet, electronically or otherwise</i>), or block movements</p> <p>Additionally, the following were: <input type="checkbox"/> Not requested <input type="checkbox"/> Denied until the hearing <input type="checkbox"/> Granted as follows: You must not do the following things to the person in (1) and <input type="checkbox"/> persons in (3):</p> <p><input type="checkbox"/> b. Contact, either directly or indirectly, in any way, including but not limited to, by telephone, mail, email or other electronic means</p> <p><input type="checkbox"/> c. Take any action directly or through others, to obtain the addresses or locations of the persons in (1) and (3) (<i>If this item is not checked, the court has found good cause not to make this order.</i>)</p> <p>d. Peaceful written contact through a lawyer or process server or another person for service of Form DV-120 (<i>Response to Request for Domestic Violence Restraining Order</i>) or other legal papers related to a court case is allowed and does not violate this order.</p> <p><input type="checkbox"/> e. Exceptions: Brief and peaceful contact with the person in (1), and peaceful contact with children in (3), as required for court-ordered visitation of children, is allowed unless a criminal protective order says otherwise.</p> <p>3) DV-110 and DV-130 Conflicting Orders – This information is intended for police officers in the field attempting to understand and enforce restraining orders. The order of priority seems unduly complex. Is there a better way to explain?</p>	<p>3. The statute is quite lengthy. The committee attempted to shorten the text on the form as much as possible while accurately reflecting the statute.</p>

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

DV-130		
Commentator	Comment	Committee Response
<p>Superior Court of California, County of San Diego Mike Roddy, Executive Officer On behalf of organization</p>	<ol style="list-style-type: none"> 1. Item 3 - In addition to the person named in 1, the following persons are protected by orders as indicated in items 6 and 7 (<i>family or household members</i>): 2. <i>Italicize the following for consistency of style among forms:</i> <input type="checkbox"/> Check here if there are additional protected persons. List them on an attached sheet of paper and write, “DV-130, Additional Protected Persons,” as a title. 3. Item 5.c. – The people in 1 and 2 must return to the Dept. _____ of the court on (<i>date</i>): 4. Item 7.a. – The child(ren)’s school or child care 5. Item 11 – see, e.g., Form DV-110, item 11 Care of Animals: Possession and Stay-Away 6. Item 15 – <i>Italicize the following for consistency of style among forms:</i> <i>Check here if more payments are ordered. Attach a List them on an attached sheet of paper and write [insert space] “DV-130, Debt Payments” as a title.</i> 7. Item 16 – see, e.g., Form DV-110, item 16 <i>(The person in 2 cannot contact the person in 1 if the court has made a “Personal Conduct” “no contact” order.)</i> 8. Item 18 – for consistency of style among forms. . . is ordered not to cash, borrow against, cancel, transfer, 	<p>The committee agrees to incorporate suggestions 1 - 9.</p>

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

DV-130		
Commentator	Comment	Committee Response
	<p>dispose of or change the beneficiaries of any health, automobile, life, or other insurance or coverage currently in place that benefits the other party or the child(ren).</p> <p>9. Item 20 – <i>Italicize the following for consistency of style among forms:</i> <input type="checkbox"/> Check here if more payments are ordered. Attach a List them on an attached sheet of paper and write [insert space] “DV-130, Payments for Costs and Services” as a title.</p> <p>10. Item 22 – see, e.g., Form DV-110, item 22. Add the following below the 3 blank lines: <input type="checkbox"/> Check here if there are additional orders. List them on an attached sheet of paper and write “DV-130, Other Orders” as a title.</p> <p>11. Item 24.b.(1) – The person in 2 [insert space] must be served. This order can be served by mail.</p> <p>12. Item 24.b.(2) – Someone—not the people a person in 1 or 3—must personally “serve” (deliver) a copy of this order to the person in 2.</p> <p>13. Item 25.a. - (If there are more orders, list them on extra attached sheet of paper and write “DV-130, Other Criminal Protective Orders” as a title.)</p> <p>14. Page 5 – Start Date and End Date of Orders</p>	<p>10. There is insufficient space to add the suggested text.</p> <p>11. The committee agrees to incorporate suggestions 11 - 13.</p> <p>14. The current text reflects council copyediting</p>

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

DV-130		
Commentator	Comment	Committee Response
	<p>The hearing date in item 5 (a) a. on page 2, or</p> <p>15. Page 6 – 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. (Pen. Code, §§ 836(c)(1), 13701(b).</p> <p>16. Page 6 – Notice/Proof of Service – see, e.g., item 23 Consider the restrained person “served” (notified) if:</p> <p>17. Page 6 – Notice/Proof of Service The restrained person was at the restraining order hearing or was informed of the order by an officer. (Fam. Code, § 6383; Pen. Code, § 836(c)(2).) An officer can obtain information about the contents of the order in the Domestic Violence Restraining Orders System (DVROS). (Fam. Code, § 6381(b)(c).)</p> <p>18. Page 6 – Conflicting Orders Comment on numbered sentences 1 through 3: Consideration should be given to using plainer language for the phrase “has precedence in enforcement over,” which is not likely to be understood by most nonrepresented parties. See, e.g.:</p> <p>1. <i>EPO</i>: If one of the orders is an Emergency Protective Order (Form EPO-001) and it is more restrictive than other restraining or protective orders, it has precedence in enforcement over must be enforced before all other orders.</p>	<p>conventions.</p> <p>15. The committee agrees to incorporate suggestions 15 - 17.</p> <p>18. The committee notes that the suggestion may lead law enforcement to believe that a prior order may still be enforceable. The committee prefers the text as written.</p>

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

DV-130		
Commentator	Comment	Committee Response
	<p>2. <i>No-Contact Order</i>: If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence in enforcement over must be enforced before any other restraining or protective order.</p> <p>3. <i>Criminal Order</i>: If none of the orders includes a no-contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over must be enforced before any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.</p> <p><i>Per proposed amendment to CRC rule 5.630(k)(4):</i> 4. <i>Family, Juvenile, or Civil Order</i>: If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.</p>	<p>The committee has revised the form to mirror the language in rule 5.630.</p>
<p>The State Bar of California Standing Committee on the Delivery of Legal Services</p>	<p>Re proposed language on prohibition of impersonation at item 6 on Forms DV-100, DV-110, and DV-130, the term “impersonate” should be defined to reflect section 528.5 of the Penal Code as referenced in AB 157. Although the term is explained as to <i>how</i> a person may be impersonated “on the Internet, electronically, or otherwise,” it would be helpful if the term were also defined as “to otherwise cause someone to reasonably believe that the person in (2) is me or someone listed in (3).” Without adding the definition of the word impersonate, the form could be detrimental to self-represented litigants who might be misled or confused as to what impersonate may mean.</p>	<p>The committee notes that the additional definition does not necessarily add to the common understanding of the term and may cause confusion. Further, the committee prefers for definitions to be included in information sheets to streamline the forms.</p>

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

DV-130		
Commentator	Comment	Committee Response
<p>California Partnership to End Domestic Violence Krista Niemczyk, Public Policy Manager On behalf of group</p>	<p>Consistency Between Forms – DV-110 and DV-130 This is a general comment on ways to increase consistency and clarity between forms. Although this was not a proposal put forward for comment, we would encourage the court to consider making these changes as part of the form updates under consideration. Currently, the language of the DV-110 and 130 forms are disparate regarding service, explanation and enforcement of the orders. It is unclear why this is the case as the language is equally applicable to both orders. Many victims face challenges with law enforcement regarding lack of service, understanding the order and how to enforce the order. The DV-130 includes helpful language that would be beneficial to include on the DV-110. Also, because DV-110 orders are issued more frequently than the DV-130 orders, the clarity provided by the additional language would have a broader impact. Finally, by making the instructions to law enforcement regarding service consistent on both forms, it will be easier for law enforcement to follow.</p>	<p>The committee has attempted to make all language consistent where appropriate and as space allows.</p>
<p>Mark Skinner Facilitator Superior Court of Siskiyou County Not on behalf of group</p>	<p>Animals: Possession and Stay Away order</p> <p>The orders contemplate easily transportable pets.</p> <p>In Frontier and Rural counties there are concerns for livestock. Particularly Horses used for Competition in Rodeos and Horse Shows and Show Animals that children of the relationship might be raising for Fair.</p> <p>Animals that are being raised by children for fair or used regularly for competition or for show should be treated as the property of the children under these circumstances. There are requirements for primary care and feeding by the child in order</p>	<p>The commentator does not suggest specific text to address the concern. The committee notes that the form wording is general to allow for livestock in addition to transportable pets.</p>

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

DV-130		
Commentator	Comment	Committee Response
	<p>to qualify with 4H and FFA so the children will need access to the animals fairly quickly without interference by the restrained party in order to remain competitive.</p> <p>Animals and Kids are part of the control mechanism that batterers use to control their victim.</p>	
<p>Riverside County Probation Department Allison Paterson, Executive Secretary On behalf of group</p>	<p>Question: Does the proposed removal of checkboxes at item 6 on forms DV-100, DV-110, and DV-130 clarify that these orders are always granted, or would removal of the checkboxes cause confusion?</p> <p>Answer: Removal of the checkboxes indicates the orders are always granted.</p>	<p>No response required.</p>

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

DV-180		
Commentator	Comment	Committee Response
<p>Harriett Buhai Center for Family Law Meredith Alexander, Staff Attorney On behalf of group</p>	<p>Proposed Changes to DV-180</p> <p>We agree with the proposed changes and recommend the following additional changes to help ensure birth certificates can be sufficiently amended when necessary:</p> <ol style="list-style-type: none"> 1. Page 3, item 11.b, we recommend including the following language, “The Office of Vital Records is ordered to amend the birth certificate/s to conform to this court order by:” 2. Page 3, item 11.b(1), the full name of the father should be listed. 	<ol style="list-style-type: none"> 1. This suggestion would need to be circulated for public comment. The committee will consider the suggestion when the forms are next revised. 2. The committee agrees to incorporate this suggestion.
<p>Superior Court of Santa Clara County Hon. Christine Copeland, Commissioner On behalf of group</p>	<p>Great addition to DV-180 3(b)(5) re: no marriage to someone else when kids conceived. Happens so often that another paternity presumption exists but if you don't ask the question, you leave it unadjudicated.</p> <p>Thank you for this addition!!</p>	<p>No response required.</p>

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

DV-180		
Commentator	Comment	Committee Response
<p>Superior Court of California, County of San Diego Mike Roddy, Executive Officer On behalf of organization</p>	<ol style="list-style-type: none"> 1. Item 4 – for consistency of style among forms <i>Check here if you need more space. Use a <u>List additional children on an attached sheet of paper and print write</u> “DV-180, Children” as a title.</i> 2. Item 6 – suggested (optional) edits • Right to a trial. You can ask a judge, in a separate case, to decide if you are the parent of the children in this case. <u>You can bring evidence and witnesses to that trial. And you can question the witnesses against you.</u> 3. Right to genetic tests. You can ask a judge, in a separate case, to order genetic tests to see if you are the parent of the children in this case. <u>Depending on your case, t</u>he court may order you to pay for those tests. 4. Item 10 – Should a third line (Name: _____ <input type="checkbox"/> Mother <input type="checkbox"/> Father) be added due to the UPA amendments in S.B. 274 (allowing the court to find a child has three parents)? 5. Item 10 - for consistency with item 4 <i>Check here if you need more space. List <u>Additional children noted on an attachment. Use a sheet of paper and print write</u> “DV-180, Additional Children” as a title.</i> 6. Item 11.a. - The last name(s) of the child(ren) are changed (specify the FULL name of <u>the each</u> child): 7. Item 11.b.(2) - changing the last name of the child(ren) 	<ol style="list-style-type: none"> 1. The committee agrees to incorporate this suggestion. 2. The committee notes that plain language style favors shorter sentences when possible. 3. The committee agrees to incorporate this suggestion. 4. The committee will consider this suggestion when the form is next revised. 5. The committee agrees to incorporate suggestions 5 - 7.

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

DV-180		
Commentator	Comment	Committee Response
The State Bar of California Standing Committee on the Delivery of Legal Services	<ul style="list-style-type: none"> • Re Form DV-180, item 3(b)(5) could be confusing to the reader. Instead of stating “another person,” substitute “to another person <i>not a party to this case.</i>” • Additionally, on item 11(a), the form should clearly state “the last names of the children are changed <i>to</i> (specify the FULL name of the child)” since this is what the <i>new</i> full name of the child will be. 	<ul style="list-style-type: none"> • The committee notes that inclusion of both parties, not others, is implied because only the parties are signatories. It is implicit, since the parties are both signing, as it is in 3(b)(1). • The committee agrees to add the word “to.”

DV-710		
Commentator	Comment	Committee Response
Department of Justice, Law Enforcement Support Program California Restraining & Protective Order System Vivian E. Garcia, Field Representative On behalf of group	DV-710: Restrained party personal identifier includes DOB which is good.	No response required.
Los Angeles County Sheriff’s Department Court Services Division Civil Management Bureau Protective Order Section/Information Systems Section Marie Hazlett, HCRSC	When the hearing date to renew an Order After Hearing (DV710) is set after the existing expiration date of the underlying order, and if the underlying order shall remain in effect until the new hearing, the DV710 form should have a designation for a clerks certification and court seal just as other orders.	The committee agrees to incorporate the suggested text.

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

DV-710		
Commentator	Comment	Committee Response
Not on behalf of group		
Harriett Buhai Center for Family Law Meredith Alexander, Staff Attorney On behalf of group	<p>Proposed Changes to DV-710</p> <ol style="list-style-type: none"> Page 1, item 3, to help clarify when the restraining order expires, we recommend putting the word “later” in all caps or underlining it. Page 1, item 3, at the end of the second sentence in the paragraph on the bottom of the page, we recommend adding the phrase, “or the order expires.” 	<ol style="list-style-type: none"> The committee notes that the text is already all bold. Plain language format favors lower case, and there are already numerous lines in that section. The committee agrees to incorporate the suggestion.
Superior Court of Santa Clara County Hon. Christine Copeland, Commissioner On behalf of group	DV-710 Item 3, page 1, I don't like the phrasing "Order of Protection" in the parentheses only because I don't we have such a thing in DV. If you are filing to renew, you are seeking to renew a RESTRAINING ORDER AFTER HEARING (DV-130).	<ul style="list-style-type: none"> The committee agrees to incorporate the full title of the form.
Superior Court of California, County of San Diego Mike Roddy, Executive Officer On behalf of organization	<ol style="list-style-type: none"> Page 1, below item 2 - for consistency with Form DV-110, page 1 <i>The Court will fill in the rest of this form.</i> Item 3 - to achieve consistent use of singular/plural within paragraph, and consistent use of initial capital of “Form” among all forms At the hearing, the judge can renew the current restraining order(s) for another five years or permanently. Before the hearing, you can file a response on Form DV-720. You <i>must</i> continue to obey the current restraining order(s) until the hearing. At the hearing, you can tell the judge why you 	<ol style="list-style-type: none"> The committee agrees to incorporate the suggestion. The committee notes that the order itself is singular because it includes all of the specific orders. Elsewhere in the sentence the plural form is used because even if the only order made is a personal conduct order, there are always ancillary orders such as firearm prohibitions.

W14-07

Domestic Violence: Changes to Rule and Forms for Family and Juvenile Law Restraining Orders (amend Cal. Rules of Court, rules 5.630 and revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-180, DV-710, DV-800/JV-252-INFO, JV-200, JV-205, JV-247, JV-250, and JV-255)

All comments are verbatim unless indicated by an asterisk (*).

DV-710		
Commentator	Comment	Committee Response
	<p>agree or disagree with the request to renew the order(s). If the restraining order(s) are renewed, you <i>must</i> obey the order(s) even if you do not attend the hearing.</p> <p>3. Item 4 - to achieve consistent use of initial capital of “Form” among all forms and within paragraph</p> <p>If you want to respond in writing to the request to renew the restraining order, fill out Form DV-720, <i>Response to Request to Renew Restraining Order</i>. File the original with the court, and have someone 18 or over—not you—mail a copy of it to the person in 1 before the hearing. Also file Form DV-250, <i>Proof of Service by Mail</i>, with the court before the hearing. Bring a copy of Form DV-250, Proof of Service by Mail, to the court hearing.</p>	<p>3. The committee agrees to incorporate the suggestion.</p>