

What is a restraining order?

It is a court order.

What does the order do?

It can order you to:

- Not contact or go near the protected person
- Not have a gun while the order is in effect
- Move out of the house
- Follow child custody and visitation orders
- Pay child support and
- Pay spousal support

Read the order carefully. If you disobey the order, you can go to jail or be fined.

What if I have a gun?

You cannot own, possess, or have a gun or firearm while the order is in effect. If you have a gun now, you must sell it to a licensed gun dealer or turn it in to police. Read Form DV-810.

Should I go to the hearing?

Yes. Go to court on the hearing date listed on page 1 of Form DV-110. If you do not go to court, the judge can make the orders without hearing from you.

How do I tell my side of the story?

File Form DV-120 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* (DV-250). File the *Proof of Service* with the court clerk. Keep a copy.

Do I have to get a lawyer?

No. But it is a good idea, especially if you have children. Ask the clerk how to find free or low-cost legal services.

What if I also have criminal charges against me?

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

What if I am a victim of domestic violence?

Call the National Domestic Violence Hotline:

1-800-799-7233

TDD: 1-800-787-3224

Ask them who can help you file a restraining order.

DV-110 Temporary Restraining Order and Notice of Hearing

Clerk stamps below when forms filed

1 Protected person's name: _____
 Protected person's address (Skip this if you have a lawyer). (If you want your address to be private, give a mailing address instead): _____
 City: _____ State: _____ Zip: _____
 Phone # (optional): _____
 Protected person's lawyer (If any) (Name, address, phone # and State Bar #): _____

2 Restrained person's name: _____
 Description of that person: Sex: M F Ht.: _____
 Wt.: _____ Race: _____ Hair Color: _____
 Eye Color: _____ Age: _____ Date of Birth: _____

3 List the full names of all family or household members protected by this order: _____

4 Court Hearing Date (Fecha de la Audiencia)
 Court will fill in box below: _____
 The court hearing will be at: _____
 Hearing Date: _____ Date: _____ Time: _____
 Dept.: _____ City: _____

To the person in 2: At the hearing, the judge can make restraining orders that last for up to 3 years. The judge can also make other orders about children, child support, money, and property. At the hearing, you can tell the judge if you do not want the orders against you. Even if you do not attend the hearing, you must obey the orders. Para la persona nombrada en 2: En esta audiencia el juez puede hacer que la orden de restricción sea válida hasta un máximo de 3 años. El juez puede también hacer otras órdenes acerca de niños, manutención, dinero y propiedad. Si Usted se opone a estas órdenes, vaya a la audiencia y dígaselo al juez. Aunque no vaya a la audiencia, tiene que obedecer estas órdenes.

To the person in 1: At the hearing, the judge will consider whether denial of any orders will jeopardize your safety and the safety of children for whom you are requesting custody/visitation and child support. Safety concerns related to your financial needs and the children's will also be considered.

5 Temporary Orders (Órdenes Temporales)
 Any orders made in this form end on the date and time of the court hearing in 4, unless a judge extends them. Read this form carefully. All checked boxes and item 10 are court orders. Todas las órdenes hechas en este formulario terminarán en la fecha y hora de la audiencia en 4, al menos que un juez las extienda. Lee este formulario con cuidado. Todas las casillas marcadas y artículo 10 son órdenes de la corte.

This is a Court Order.

Judicial Council of California, www.courtinfo.ca.gov
 For July 1, 2005, Mandatory Form
 Family Code §§ 6300-6304, 6309(b)(1)(C), 6309(b)(2)(C)

Temporary Restraining Order (CLETS)
 (Domestic Violence Prevention)

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Can I bring a witness to the court hearing?

You can bring witnesses or documents that support your case, but the judge may not have enough time to talk to the witnesses. So bring their written statements of what they saw or heard. *You must file and mail witness statements at least 10 days before the hearing or when you mail your Answer (DV-120) to the protected person.*

Will I see the protected person 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 says you can.

How long does the order last?

The first (temporary) order lasts until your next court date. At that time, the judge will decide to grant or deny the order. The order can last for up to 3 years, but child custody, visitation, child support and spousal support orders have different end dates. Custody, visitation, and child support orders usually last until the child turns 18.

What if the protected person contacts me?

No matter what, you have to follow the court order. The order does not affect the protected person. It only affects what *you* can do. Tell the protected person you cannot have contact.

Can I agree with the protected person to cancel the order?

No. Only the judge can change or cancel the order.

What happens if I don't obey the court order?

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

What if I don't have a green card?

The order is valid whether you have a green card or not. If you are worried about being deported, talk to an immigration lawyer.

What if I don't speak English?

Ask someone who speaks English to call the court clerk at least a week before your hearing. Ask for a court interpreter. You may have to pay a fee. If an interpreter is not available, bring someone to interpret for you. Do not ask a child to interpret for you.

What if I am deaf?

If you are deaf, contact the clerk at least 1 week before the hearing. Ask for an interpreter or other accommodation.