



# How to File for a Restraining Order – With Children (Domestic Violence)

Free

<b>What is this for?</b>	This packet contains the forms you need to ask for a Domestic Violence Restraining Order when you have minor children together. See page 2 for more information about restraining orders and how they can protect you.
<b>Step 1: Fill out the forms</b>	<p><a href="#">Confidential CLETS Information</a> (CLETS-001) <a href="#">Request for Domestic Violence Restraining Order</a> (DV-100) <a href="#">Description of Abuse</a> (DV-101) [optional, used if there are additional incidents of abuse] <a href="#">Request for Child Custody and Visitation Orders</a> (DV-105) <a href="#">Notice of Court Hearing</a> (DV-109) <a href="#">Temporary Restraining Order</a> (DV-110) <a href="#">Child Custody and Visitation Order</a> (DV-140)</p> <p>Make sure that you DESCRIBE IN DETAIL WHY YOU ARE AFRAID of the restrained person. The Judge will read what you write and needs to understand why you need a restraining order to protect you.</p>
<b>Step 2: File the forms</b>  <b>Filing fee</b>  <b>Wait</b>	<p>Get a number ticket for “Family Law” at the kiosk on the 1st floor of the Courthouse. File the forms with the clerk when your number is called.</p> <p>There is no filing fee. No copies are needed for filing.</p> <p>When you file the paperwork with the clerk, you will be given information about how to check when your forms are ready for pick-up. Your forms (with the Judge’s orders) will be in the baskets by the Information Desk near the Deputies at the courthouse door.</p>
<b>Step 3: Review your forms</b>	Look carefully at the Temporary Restraining Order form you turned in. The Judge reviewed your statements and made an order (or denied your order) on that form. See what orders were made, if any. These are the orders that are in effect immediately and continue until the court hearing.
<b>Step 4: Serve the person you want restrained</b>	You must have a copy of your forms handed (“personally served”) to the person you want restrained, along with a blank <a href="#">Response to Request</a> (DV-120) and <a href="#">Proof of Firearms Turned In, Sold or Stored</a> (DV-800). Someone 18 or older must serve the forms for you. You cannot serve the forms yourself.



	<p>Whoever serves the forms must fill out a <a href="#">Proof of Personal Service</a> (DV-200) and return it to you.</p> <p>The Sheriff's Civil Division will serve domestic violence restraining orders for free. Take your forms for service to their office at: 2929 Richardson Drive Auburn, CA 95603</p> <p>Talk to the Sheriff's Office about whether they <i>or</i> you will need to file the proof of service they fill out after they serve the forms on the person you want to restrain.</p>
<b>Step 5: File the Proof of Service</b>	<p>Make 1 copy of the Proof of Personal Service (DV-200). Get a number ticket for "Family Law" at the kiosk on the 1<sup>st</sup> floor of the courthouse to file the original and copy. Keep the filed copy for your records.</p>
<b>Next steps:</b>	<p><b>Come to your court hearing</b> prepared to tell the Judge why they should make the court orders you've asked for in your legal forms. Know that you can only ask the Judge to make orders or use information you included in your filing.</p> <p>The court typically has you work with an on-site court mediator to come up with a temporary parenting plan you can follow until you are able to schedule a regular mediation session.</p> <p>You may be in court for up to 4 hours.</p> <p>If the Judge denies your restraining order you can leave the courthouse after the hearing.</p> <p><b>If the Judge extends the court date ("continues") or makes an order that day, make sure you don't leave the courthouse until you have a filed copy of your order that shows the new court date and/or the order. Make copies and give them to anyone who needs to know you're protected (job, school, daycare, etc)</b></p> <p><b>If the restrained person isn't in court and the Judge makes orders, have someone serve them with the Judge's orders</b> to make sure the orders are enforceable by law enforcement. If the orders the Judge makes are exactly the same as the Temporary Restraining Order (except for the expiration date), the Restraining Order After Hearing (DV-130) can be served by mail. If the orders the Judge makes are different from the Temporary Restraining Order, the Restraining Order After Hearing (DV-130) must be served in person. Visit the Self-Help Center if you have questions about this.</p>



## Important Things to Know

Domestic violence is abuse or threats of abuse when the person being abused and the abuser are or have been in an intimate relationship (married or domestic partners, are dating or used to date, live or lived together, or have a child together). It is also when the abused person and the abusive person are closely related by blood or by marriage.

The domestic violence laws say “abuse” is:

- Physically hurting or trying to hurt someone, intentionally or recklessly;
- Sexual assault;
- Making someone reasonably afraid that they or someone else are about to be seriously hurt (like threats or promises to harm someone); OR
- Behavior like harassing, stalking, threatening, or hitting someone; disturbing someone’s peace; or destroying someone’s personal property.

The physical abuse is not just hitting. Abuse can be kicking, shoving, pushing, pulling hair, throwing things, scaring or following you, or keeping you from freely coming and going. It can even include physical abuse of the family pets.

Also, keep in mind that the abuse in domestic violence does not have to be physical. Abuse can be verbal (spoken), emotional, or psychological. You do not have to be physically hit to be abused.

## Definitions:

- Legal Custody: The parent(s) who makes decisions regarding the health, education and general welfare and well-being of the child(ren).
- Physical custody: The parent(s) with whom the child(ren) live or spend considerable time.
- Parenting Time (Visitation): The schedule of time that the child(ren) spend time with each parent.
- Child Support: Generally calculated based on parenting time and the incomes of each parent. The court has the ability to award child support until the child marries, dies, is emancipated, reaches age 19, or reaches age 18 and is not a full-time high school student, whichever occurs first.
- Spousal Support: Money paid to a (ex-)spouse to help them become self-supporting in the future. This is separate from child support. For more information, see [California Family Code section 4320](#).



### **What if the person I want protection from doesn't live in Placer County. How do I serve them?**

You can contact the Sheriff in other California counties or law enforcement in other states to learn about what they need from you to serve the person you want protection from (Scan and email to them? Fax only? Send multiple copies?, for examples). The Sheriff in Placer County will not serve parties who are out-of-county.

### **What if I can't find the person I want protection from?**

Read:

- Self-Help Center handout "Finding the Other Party" available at the Self-Help Center
- [What if the Person I Want Protection From is Avoiding \(Evading\) Service?](#) (DV-205-INFO)

### **How do I have the restrained person served?**

Read: [What is "Proof of Personal Service"?](#) (DV-200-INFO)

When your restraining order is granted and needs to be served you have several options – have a friend or family member serve, hire someone to serve (a "Process Server"), or ask that the Sheriff serve.

### **If my restraining order request is granted can I ask for law enforcement to be present while the restrained person moves out (a "civil standby")?**

Contact law enforcement in your area and ask them if they can be present to serve your restraining order forms *and* wait until the restrained person gathers their things and leaves the home. If they have higher priority emergencies they may not be able to provide staff to do this at certain times.

The **benefit** to this service option is that law enforcement is at your home to protect you during the move-out. With the Friend/Family or Process Server options there is no one present when service happens to make sure the restrained person moves out immediately. You should only be at home when the restrained person is served if law enforcement is present, for your and your server's safety.

### **What do I do if the restrained person violates the restraining order?**

Read: [How to Enforce Your Restraining Order](#) (DV-530-INFO)

### **Where can I get the forms?**

1. **For an app that helps you fill out the forms to start a case, go to [caguideandfile.com](http://caguideandfile.com)**
  - Click "Start Your Legal Process", then
  - Click "Restraining Orders"



- Answer the questions, save your work, and at the end you can print out the forms.
- 2. The blank forms listed in these instructions can be found **online** at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms)
- 3. You can get the form packets through the court's **Self-Help Center** or get them free at the **Court Clerk's counter**.

### Where can I get help or more information?

- You can hire a private attorney for a free or low-cost consultation.
- If you do not have an attorney, you can get help from the court's Self-Help Center located at the Gibson Courthouse, 10820 Justice Center Dr., Roseville. Online appointments and limited walk-ins are available Monday to Friday, 8:00 a.m. to 12:00 noon (Wednesday open until 3:00 p.m.). Schedule online appointments at [www.placer.courts.ca.gov](http://www.placer.courts.ca.gov) and search for **online appointments**.
- Visit [www.courts.ca.gov](http://www.courts.ca.gov)
  - Click "Self-Help" on the tabs and select "Abuse & Harassment", "Families & Children" or "Divorce or Separation" in the dropdown menu
- Read:
  - [Can a Domestic Violence Restraining Order Help Me?](#) (DV-500-INFO)
  - [How Do I Ask For a Temporary Restraining Order?](#) (DV-505-INFO)
  - [What is "Proof of Personal Service"?](#) (DV-200-INFO)
  - [What if the Person I Want Protection From is Avoiding \(Evading\) Service?](#) (DV-205-INFO)
  - [Get Ready for the Court Hearing](#) (DV-520-INFO)
  - [How to Enforce Your Restraining Order](#) (DV-530-INFO)
- Contact Stand Up Placer's 24-hour Crisis Line: 800-575-5352