



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

<b>What is this for?</b>	<p>This packet contains the forms you need to ask for a domestic violence restraining order when you have minor children together. See pages 3 – 5 for more information about restraining orders.</p>
<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.</p>
<b>Step 2: File the forms</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. If you are filing at the Historic Courthouse in Auburn or the Tahoe Courthouse, you do not need to get a ticket.</p>
<b>eFiling</b>	<p>Alternatively, the Court has the option to file electronically through its eFile Service. <u>However, these forms cannot be returned electronically. Hard copies must be picked up from the courthouse.</u> For filing and more information, please visit <a href="http://placer.courts.ca.gov">placer.courts.ca.gov</a> and select “eFiling” under the Online Services tab. This webpage contains instructions and FAQs to assist with the process. There is a service fee for eFiling paid to the third-party vendor and cannot be waived by the Court. Note: each form must be a separate PDF unless it contains attachments.</p>
<b>Filing fee</b>	<p>There is no filing fee. No copies are needed for filing.</p>
<b>Wait</b>	<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.</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 orders will not be enforced by law enforcement until the restrained party is served. See Step 4.
<b>Step 4: Serve the person you want restrained</b>	<p>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), <a href="#">Proof of Firearms Turned In, Sold or Stored</a> (DV-800), <a href="#">How Do I Turn In, Sell, or Store My Firearms?</a> (DV-800-INFO), and <a href="#">How to Safely Turn In Firearms and Ammunition</a> (PL-FL035). Someone 18 or older must serve the forms for you. You cannot serve the forms yourself.</p> <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>If the restrained party lives in Placer County, 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>If the restrained party lives outside of Placer County, then you may need to contact the Sheriff’s Department in the county where the restrained party resides.</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>	Make 1 copy of the Proof of Personal Service (DV-200). Hand the clerk the original and the copy. The clerk will file stamp both and give you back the copy. Keep the filed copy for your records.
<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><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</b></p>



	<p>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)</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. Review your restraining order for service requirements.</p> <p><b>Firearms and Ammunition:</b> If information is presented to the court that the restrained party has a firearm or ammunition, the court will schedule an additional hearing to confirm that such firearm(s) and ammunition are no longer in the restrained person's possession. (<a href="#">Fam. Code sec. 6322.5</a>).</p> <p>For cases where custody and visitation of minor children is an issue, the court must consider a violation of the firearm prohibition (restriction from possession) as a factor in determining custody and visitation rights of the restrained party. (<a href="#">Fam. Code sec. 3044</a>).</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);
- Behavior like harassing, stalking, threatening, or hitting someone; disturbing someone's peace; or destroying someone's personal property; OR
- Stopping someone from accessing or earning money (financial abuse).

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 [Fam. Code sec. 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 you, 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)

### Can I Access My Court Case Electronically?

Court users can now receive access to their file/orders electronically by three different methods:

Online Portal: You can come to the courthouse and show ID to gain access;

eFiling: If you check the box on eFiling, you will receive your orders via email; you will also receive portal access if you pay for a filing (so you do not need to come into the courthouse to show ID);

eService: You may consent to receive notice and orders by email. This can be done by submitting Judicial Council Form [EFS-005-CV](#).

### 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. You may contact **Stand-Up Placer's 24-Hour Crisis Line** at 800-575-5352.
- If you do not have an attorney, you can get help from the court's Self-Help Center. Schedule a telephone or video appointment online at [www.placer.courts.ca.gov](http://www.placer.courts.ca.gov) and search for **online appointments** on the home page.



- 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)