



DVPA Restraining Order – How to Respond (Domestic Violence)

Free

What is this for?	<p>This packet contains the forms you need to respond to a Domestic Violence Protection Act (DVPA) restraining order request that has been filed by someone asking for protection from you.</p> <p>See page 2 for more information about restraining orders.</p>
Step 1: Fill out the forms	<p>Response to Request for Domestic Violence Restraining Order (DV-120)</p>
Step 2: Make copies	<p>Make 2 copies of the form. Paperclip and two-hole punch the <u>originals</u> at the top. The copies may be stapled. Group the original plus copies of the same documents together for filing.</p>
Step 3: File the form	<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. The court will file-stamp all your forms and give you back the 2 copies. You will keep a filed copy for your records and have the other copy served on the other party.</p>
Filing fee	<p>There is no filing fee for this paperwork.</p>
Step 4: Serve the other party	<p>You must have a copy of your form mailed (“served by mail”) to the person asking for protection. Someone 18 or older must serve the forms for you. You cannot serve the forms yourself.</p> <p>The person who serves the form must <i>completely</i> fill out a Proof of Service by Mail (DV-250) and give it to you to file.</p>
Step 5: File the Proof of Service	<p>Make 1 copy of the Proof of Service by Mail (DV-250) and get a number ticket for “Family Law” at the kiosk on the 1st floor of the courthouse to file the original and copy. Keep the filed copy for your records.</p>
Next steps:	<p>Come to your court hearing prepared to tell the Judge why they should deny the restraining order request or 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>



	Plan to be in court for about 4 hours.
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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](#).

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
 - 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
 3. You can get the form packets through the **Court's legal Self-Help Center** or buy them at the **Court Clerk's counter**.

Where Can I Get Help?

- 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 legal 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 and search for **online appointments**.
- Visit 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:
 - [How Can I Respond to a Request for Domestic Violence Restraining Order?](#) (DV-120-INFO)
 - [How Do I Turn In, Sell, or Store My Firearms?](#) (DV-800-INFO)