



## How to Change or Drop a DVPA Restraining Order

<b>What is this for?</b>	<p>This packet contains the forms to ask for a court hearing to change or drop/cancel a Domestic Violence Protection Act (DVPA) restraining order. This packet is not for other types of restraining orders such as Elder Abuse or Civil Harassment.</p>
<b>Step 1: Fill out the Forms</b>	<p><a href="#">Request for Order</a> (FL-300)</p>
<b>Step 2: Make copies</b>	<p>Make 2 copies of the forms. Paperclip (do not staple) the <u>original</u>. The copies may be stapled. Put the copies right behind each original.</p> <p>Note: If you file electronically, copies are not required (see Step 3).</p>
<b>Step 3: 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. The court will file-stamp all your forms and give you back 2 copies. You will keep a filed copy for your records and have the other copy served on the other party.</p>
<b>eFiling</b>	<p>Alternatively, the Court has the option to file electronically through its eFile Service. 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.</p> <p>Note: each form must be a separate PDF unless it contains attachments.</p>
<b>Filing fee</b>	<p>There is no filing fee if you are only asking for changes to the domestic violence restraining order. If you are asking for other orders, i.e. changes to custody/visitation, support, there is either a \$60 or \$85 filing fee.</p> <p>The court accepts cash, check, Visa, MasterCard, AMEX and Discover Card. If you cannot afford to pay the filing fee, you may apply for a fee waiver by filling out and filing these forms:</p> <p><a href="#">Request to Waive Court Fees</a> (FW-001) <a href="#">Order on Court Fee Waiver</a> (FW-003)</p>



<b>Step 4: Serve the other party</b>	<p>You must have a copy of your forms handed (“personally served”) to the other party in person, along with a blank <a href="#">Responsive Declaration to Request for Order</a> (FL-320). Copies from eFiling may be printed from your eFiling account.</p> <p>Someone 18 or older must serve the forms for you. You cannot serve the forms yourself. The person who serves the forms to the other party must <i>completely</i> fill out a <a href="#">Proof of Personal Service</a> (FL-330) and give it to you to file.</p>
<b>Step 5: File the Proof of Service</b>	<p>Make 1 copy of the Proof of Personal Service (FL-330) and 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>Come to your court hearing prepared to tell the Judge why they should make the court orders you’ve asked for in your forms. Know that you can only ask the Judge to make orders or use information you included in your filing.</p> <p>If the Judge changes or drops the Restraining Order, make sure to get a copy of the filed order that says so. For a dropped restraining order you should get <a href="#">Findings and Order to Terminate Restraining Order After Hearing</a> (DV-400). If the other party wasn’t present at the court hearing, make sure to have them served with a copy of the new order.</p>

### Definitions and Important Things to Know

- **Separate Property:** Items owned/acquired before your marriage, after the date of separation or received by gift or inheritance, even if received during the marriage. This includes items like cars, houses, debts, bank accounts, retirement accounts/pensions.
- **Community Property:** Property owned/acquired from your marriage date to the date of separation, regardless of who is on title or whose name is on the account. This includes items like cars, houses, debts, bank accounts, retirement accounts/pensions. Some things like retirement plans can be both separate property *and* community property.
- **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 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, emancipates, 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](#).

### 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. The blank forms listed in these instructions can be found **online** at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms)
2. You can get the form packets through the court's **Self-Help Center** or buy them 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. 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"
- Read this handout for more information:
  - [How Do I Ask to Change or End a Domestic Violence Restraining Order After Hearing?](#) (DV-400-INFO)
- Contact Stand Up Placer's 24-hour Crisis Line: 800-575-5352