



How to Respond to a Civil Request for a Restraining Order and Weapon Relinquishment

<p>What is this Packet for?</p>	<p>This packet contains some forms you may need to respond to a <i>civil</i> request for a domestic violence restraining order that has been filed by someone asking for protection from you. This informational packet does not address situations involving requests for <i>criminal</i> protective orders.</p> <p>This packet provides information and is not intended to provide legal advice. You have a right to contact an attorney regarding your rights when there is a pending request for an order to restrain your conduct. These types of requests may impact your ability to have care and custody of your children, may impact any pending criminal cases and may impact your right to own or possess firearms, among other considerations.</p> <p>You have the right not to incriminate yourself and if there is a criminal matter pending regarding the same conduct alleged in the request for the restraining order you should consider your right not to incriminate yourself and you may want to talk with an attorney regarding your rights.</p>
<p>Important: If You Have Firearms and/or Ammunition they must be surrendered</p>	<p>If information is presented to the court that you own, have registered to you or have in your possession any firearm(s) or ammunition, you must surrender them as required by law and provide proof of surrender to the court. If you fail to surrender firearm(s) and/or ammunition and file proof of surrender by the first scheduled hearing, the court may schedule an additional hearing so that you have adequate time to surrender weapons and to document that such firearm(s) and ammunition are no longer in your possession. (Fam. Code sec. 6322.5).</p> <p>Read and Consider:</p> <ul style="list-style-type: none">• How Do I Turn In, Sell, or Store My Firearms? (See DV-800-INFO) and;• How to Safely Turn In Firearms and Ammunition (PL-FL035) and;• Notice of No Longer in Possession (BOF 4546) for information to learn how to properly handle your firearms and ammunition after you have been served with a temporary restraining order and/or following the issuance of a more permanent restraining order. <p>All firearms that are in your possession or accessible to you, whether or not identified in the restraining order must be accounted for. All firearms that are no longer in your possession or no longer accessible to you because you have already surrendered, sold, transferred, destroyed, or reported firearms lost or stolen must also be accounted for. Notice of No longer in Possession (4546) may be helpful to document location or status of firearms. One form will be needed for each firearm. The address to mail the form can be found in the instructions on the second page of the form. Keep a copy for yourself.</p>



	<p>If you do not comply with the firearm and ammunition relinquishment orders the matter may be referred to the Placer County District Attorney’s Office for review and prosecution depending on the nature of non-compliance.</p>
Important: If you share children with the requesting party	<p>For cases where custody and visitation of minor children is an issue, the court must consider Family Code section 3044 if it grants a more permanent order after hearing, issuing an order on form DV-130.</p>
Step 1: Review and fill out the applicable forms	<ul style="list-style-type: none">• Response to Request for Domestic Violence Restraining Order (DV-120)• Proof of Firearms Turned In, Sold, or Stored (DV-800) Use only if a Temporary Restraining Order (DV-110) was granted and you turned in, sold, or legally stored your firearm(s) as required by law.• Notice of No Longer in Possession (BOF 4546) Use only if a Temporary Restraining Order (DV-110) was granted and the firearm(s) alleged in the restraining order were already out of your possession.
Step 2: Make copies of the original signed form(s)	<p>If you are filing in person:</p> <p>Make 2 copies each of the original forms you have prepared for filing. Paperclip the <u>originals</u>. The 2 copies may be stapled. Place the paper clipped original copy on the top of the two stapled copies.</p> <p>If you file electronically, copies are not required. If you file electronically you will be able to print off a filed copy from your case file for service (see below.)</p>
Step 3: File the form at the Courthouse or use eFile	<p>Filing In Person: You may file documents at the Auburn, Roseville or Tahoe Courthouses. There is NO FEE to file these forms.</p> <p>Roseville: For filing at the Hon. Howard Gibson Courthouse in Roseville, first locate the kiosk on the 1st floor of the courthouse and “pull” a number ticket for “Family Law.” Next, file the forms with the clerk when your number is called.</p> <p>Auburn or Tahoe: 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 the 2 copies. You will keep a filed copy for your records and have the other filed copy served on the other party.</p> <p>Filing by eFile: Alternatively, you have the option to file electronically through the courts eFile Service. For filing your documents by eFile, please visit placer.courts.ca.gov and select “eFiling” under the Online Services tab. This webpage contains instructions and FAQs to assist with the process. There is a service cost for using the eFiling system paid to the third-party vendor that runs the program and that cost cannot be waived by the Court. Note: each form must be a separate PDF unless it contains attachments.</p>



Step 4: Serve the other party	<p>The law does not permit you to serve the forms yourself. You must have a copy of the forms you file with the court, including your proof that you are in compliance with the surrender of any firearms. You may personally serve the other party or serve the other party by mail. Personal service must be accomplished by someone 18 or older who is not involved in the case.. “Served by mail” means the non-party who is serving the paperwork places the copies in an envelope properly addressed to the person seeking the restraining order with proper postage and mails the copies to the party seeking the order against you.</p> <p>The person serving the form is required to fully complete a Proof of personal service or a Proof of Service by Mail (DV-250) and give it to you for filing with the court.</p>
Step 5: File the Proof of Service	<p>File the original Proof of Service or Proof of service by Mail (DV-250).. Keep a copy of the proof of service for your records.</p>
Step 6: The Hearing	<p>What to bring: Bring copies of all forms you have filed. Bring a copy of the DV-800 form to each court appearance. If you completed the Notice of No Longer in Possession (BOF 4546) from the California Department of Justice, bring a copy of this form as well.</p> <p>How to be prepared for Court: Review form DV-520-INFO. Come to your court hearing prepared to tell the Judge why you would like the orders you are requesting.</p> <p>Remember you have the right not to incriminate yourself and the right to talk to an attorney.</p> <p>If you have a pending criminal case related to the conduct alleged you have the right to request a continuance and a right to request that this civil case trails the pending criminal case. You have a right to remain silent and not incriminate yourself. This right must be carefully considered if you are charged with a crime related to the alleged abuse or if there is an ongoing investigation. You always have a right to consult with an attorney regarding any court matter.</p> <p>If you completed Notice of No Longer in Possession (BOF 4546) from the California Department of Justice, Bureau of Firearms, bring a copy of the form to the hearing to show the judicial officer. This form is not filed with the court.</p>
Other Information	<p>Can I Access My Court Case Electronically?</p> <p>Court users can now receive access to their file/orders electronically by three different methods:</p> <ul style="list-style-type: none">• 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**
 - 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 Self-Help Center. *The self-help center cannot provide you legal advice but can assist with process and procedure.* Schedule a telephone or video appointment online at www.placer.courts.ca.gov and search for **online appointments** on the home page.
- 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).