



# Judicial Council of California

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## REPORT TO THE JUDICIAL COUNCIL

*Item No.: 23-142*

For business meeting on September 19, 2023

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**Title**

Rules and Forms: Miscellaneous Technical Changes

**Rules, Forms, Standards, or Statutes Affected**

Amend rule 8.13, and Appendix B; revise form DV-105, DV-140, DV-500-INFO, DV-505-INFO, JV-240

**Recommended by**

Judicial Council staff  
Anne M. Ronan, Supervising Attorney  
Legal Services

**Agenda Item Type**

Action Required

**Effective Date**

July 1, 2023 and January 1, 2024

**Date of Report**

August 9, 2023

**Contact**

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### Executive Summary

Various members of the judicial branch, members of the public, and Judicial Council staff have identified errors in the California Rules of Court and Judicial Council forms resulting from input errors, as well as minor changes needed to conform to changes in law or previous council actions. Judicial Council staff recommend making the necessary corrections to ensure that the rules and forms conform to law and to avoid causing confusion for court users, clerks, and judicial officers.

### Recommendation

Judicial Council staff recommend that the council, take the following actions:

Effective July 1, 2023:

1. Amend Appendix B of the California Rules of Court to adjust the maximum liability of the parent or guardian having custody and control of a minor for the willful misconduct of the minor, under Civil Code section 1714.1(a) or (b), from \$47,100 to \$52,700.

Effective January 1, 2024:

2. Amend rule 8.13 to change the cross-reference to the Supreme Court rules in division 5 of title 8, to division 7 of title 8, where the referenced rules are now located.
3. Revise *Request for Child Custody and Visitation Orders* (form DV-105) to add to item 7b “Child’s Employment (including volunteer and unpaid positions),” as an option, to make it consistent with the order form (DV-140).
4. Revise *Child Custody and Visitation Order* (form DV-140) to replace an incorrect reference to “DV-105” in item 3, with the correct reference to “DV-140.” Additionally, add “county” as an option in item 4, consistent with the request form (DV-105) which allows the requester to ask for a no travel order for specified counties.
5. Revise *Can a Domestic Violence Restraining Order Help Me?* (form DV-500-INFO) to update two hyperlinks to the California self-help guide.
6. Revise *How to Ask for a Domestic Violence Restraining Order* (form DV-505-INFO), to add back “form CLETS-001” under the information in Part 1 as a form that must be completed to request a domestic violence restraining order (this was inadvertently omitted in the last set of revisions to this form), and update a hyperlink to the California self-help guide.
7. Revise *Notice of Request for Approval of Short-Term Residential Therapeutic Program or Community Treatment Facility Without a Hearing* (form JV-240) to delete the first sentence and check boxes in item 3. The changes are technical in nature and necessary to remove content that is duplicative of item 2 and likely to cause confusion because it is not relevant to the information provided in item 3.

The revised appendix, rule, and forms are attached at pages 5–23.

## **Relevant Previous Council Action**

Appendix B is revised by the Judicial Council every second year to reflect changes in the California Consumer Price Index. The council has acted on the other rules and forms previously as well. This proposal addresses minor corrections of items that were inadvertently omitted in the prior actions.

## **Analysis/Rationale**

### **Appendix B**

Civil Code section 1714.1(a) and (b)<sup>1</sup> imputes liability to the parent or guardian having custody and control of a minor for any act of willful misconduct of the minor that results in injury or

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<sup>1</sup> All further statutory references are to the Civil Code, unless otherwise indicated.

death to another person, injury to the property of another, or the defacement of the property of another by paint. Both subdivisions state that the maximum liability of the parent or guardian shall not exceed \$25,000 for each tort of the minor but note that the maximum amount is subject to subdivision (c). Subdivision (c) requires the Judicial Council to compute an adjustment to the maximum amount every two years to reflect increases in the cost of living, as indicated by the annual average of the CCPI, and to publish the adjusted maximum amounts of liability on or before July 1 of each odd-numbered year.<sup>2</sup>

The formula for determining each adjustment is published in Appendix B to the California Rules of Court, which gives the adjustments and calculations a permanent place for reference.<sup>3</sup> Applying that formula and the annual average of the 2022 CCPI of 285.315, the adjusted liability limit as of July 1, 2021, should be \$52,700, as shown in the attached amended Appendix B.<sup>4</sup>

This amendment to Appendix B will be published—as required by section 1714.1(c)—on the California Courts (judicial branch) website, as are all amendments to the California Rules of Court.

### **Other Recommendations**

The changes to the other rules and forms are technical in nature and necessary to correct inadvertent omissions or incorrect references. They are needed to ensure that the rules and forms are correct and conform to the law.

### **Policy implications**

There are no policy implications to this proposal.

### **Comments**

This proposal was not circulated for public comment because the changes are noncontroversial, involve technical revisions, and are therefore within the Judicial Council’s purview to adopt without circulation. (See Cal. Rules of Court, rule 10.22(d)(2).)

### **Alternatives considered**

None.

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<sup>2</sup> Although the required biennial adjustment for 2021 has not yet been adopted, an adjustment effective July 1, 2021, is appropriate because subdivision (d) of Civil Code section 1714.1 provides that the maximum amount of liability is the one so authorized at the time the act of willful misconduct occurred. Any claims for such misconduct occurring after July 1, 2021, are unlikely to have been adjudicated at this time.

<sup>3</sup> A copy of the letter from the Department of Finance setting out the formula for the original adjustment, which has been followed since 1997, is available as Attachment A.

<sup>4</sup> The California Consumer Price Index is published each year by the California Department of Industrial Relations. A copy of the most recent chart is available at <https://www.dir.ca.gov/oprl/CPI/EntireCCPI.PDF>.

## **Fiscal and Operational Impacts**

Operational impacts are expected to be minor. The proposed revisions may result in reproduction costs if courts provide hard copies of any of the forms recommended for revision. Because the proposed changes are technical corrections, case management systems are unlikely to need updating to implement them.

## **Attachments and Links**

1. Cal. Rules of Court, Appendix B and rule 8.13, at pages 5–6
2. Forms DV-105, DV-140, DV-500-INFO, DV-505-INFO, and JV-240, at pages 7–23
3. Attachment A: April 21, 1997, letter from Department of Finance, at page 24
4. Link A: California Consumer Price Index, [www.dir.ca.gov/oprl/CPI/EntireCCPI.PDF](http://www.dir.ca.gov/oprl/CPI/EntireCCPI.PDF)

Appendix B of the California Rules of Court is amended, effective July 1, 2023, to read:

1 **Appendix B**  
2 **Liability Limits of a Parent or Guardian Having Custody and Control of a Minor**  
3 **for the Torts of a Minor (Civ. Code, § 1714.1)**  
4  
5

6 **Formula**

7  
8 Pursuant to Civil Code section 1714.1, the joint and several liability limit of a parent or  
9 guardian having custody and control of a minor under subdivisions (a) and (b) for each  
10 tort of the minor shall be computed and adjusted as follows:

11  
12 Adjusted limit =  $\left[ \frac{\text{Current CCPI} - \text{January 1, 1995, CCPI}}{\text{January 1, 1995, CCPI}} + 1 \right] \times \text{January 1, 1995, limit}$   
13  
14  
15

16 **Definition**

17  
18 “CCPI” means the California Consumer Price Index, as established by the California  
19 Department of Industrial Relations.  
20  
21

22 **July 1, 2021~~23~~, calculation and adjustment**  
23

24 The joint and several liability of a parent or guardian having custody and control of a  
25 minor under Civil Code section 1714.1, subdivision (a) or (b), effective July 1, 2021~~23~~,  
26 shall not exceed ~~\$47,100~~ \$52,700 for each tort.  
27

28 The calculation is as follows:  
29

30  
31  $\$47,081.68$  ~~\$52,677.23~~ =  $\left[ \frac{285.315 - 151.5}{151.5} + 1 \right] \times \$25,000$   
32  
33

34 Under section 1714.1, subdivision (c), the adjusted limit is rounded to the nearest  
35 hundred dollars, so the dollar amount of the adjusted limit is rounded to ~~\$47,100~~ \$52,700.  
36

Rule 8.13 of the California Rules of Court is amended, effective January 1, 2024, to read:

1 **Rule 8.13. Amendments to rules**

2

3 Only the Judicial Council may amend these rules, except the rules in division 5 7, which  
4 may be amended only by the Supreme Court. An amendment by the Judicial Council  
5 must be published in the advance pamphlets of the Official Reports and takes effect on  
6 the date ordered by the Judicial Council.

7

8

**DV-105**

**Request for Child Custody and Visitation Orders**

Case Number: \_\_\_\_\_

This form is attached to form DV-100. (Use this form to request orders for children you have with the person in ②.)

**① Your Information**

Name: \_\_\_\_\_

Relationship to children:  Parent  Legal Guardian  Other (describe): \_\_\_\_\_

**② Person You Want Protection From**

Name: \_\_\_\_\_

Relationship to children:  Parent  Legal Guardian  Other (describe): \_\_\_\_\_

**③ Children Under 18 Years Old (list from oldest to youngest)**

a. Name: _____	Date of birth: _____
b. Name: _____	Date of birth: _____
c. Name: _____	Date of birth: _____
d. Name: _____	Date of birth: _____

(Check here if you need more space. Write "DV-105, Children" at the top and attach it to this form.)

**④ City and State Where Children Lived**

a. Have all the children listed in ③ lived together for the last five years?

Yes (Complete section 4b.)

No (If no, do not complete the section below. Instead, use form DV-105(A)).

b. List where the child or children have lived for the last five years. Start with their current location.

<u>Dates (month/year)</u>	<u>City, State, and Tribal Land</u>	<u>Children lived with (check all that apply):</u>		
		<u>Me</u>	<u>Person in ②</u>	<u>Other*</u>
From: _____ To present	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/> Check here if you want to keep your current location private. List the state only.			
From: _____ Until: _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
From: _____ Until: _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
From: _____ Until: _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
From: _____ Until: _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
From: _____ Until: _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Other\* (relationship to child): \_\_\_\_\_

**This is not a Court Order.**



**5 History of Court Cases Involving Your Children**

a. Do you know about any other case involving any child listed in ③?

- No
- Yes *(If yes, complete section below.)*

(Check all that apply. List where it was filed (city, state, or tribe), year it was filed, and case number, if known.)

- Custody \_\_\_\_\_
- Divorce \_\_\_\_\_
- Juvenile Court *(child welfare, juvenile justice)* \_\_\_\_\_
- Guardianship \_\_\_\_\_
- Criminal \_\_\_\_\_
- Other *(example: child support case)* \_\_\_\_\_

b. Is there a current order for custody or visitation in effect?

- No
- Yes *(Complete the section below.)*

What did the judge order? *(Examples: who has custody of the children and what is the visitation schedule)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*(Attach a copy of the order, if you have one.)*

Why do you want to change the order?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

c. If there is another parent or legal guardian besides you and the person in ②, complete the section below.

Name: \_\_\_\_\_  Parent  Legal Guardian

**This is not a Court Order.**





## Orders a Judge Can Make to Protect Your Children

To ask for orders to protect your children, answer the questions below.

### 6 Do you want to limit where the person in 2 can travel with your children?

- No  
 Yes (*Complete the section below*):

I ask the judge to order that the person in 2 must have written permission from me, or a court order, to take the children outside:

- The county of (*list*): \_\_\_\_\_  
 California \_\_\_\_\_  
 Other places (*list*): \_\_\_\_\_

### 7 Do you want the person in 2 to have access to the children's records or information?

- Yes  
 No (*Complete the section below*):

a. I ask the judge to order that the person in 2 **not** access or have access to the records or information for:

- All the children listed in 3.  
 Only the children listed here (*names*): \_\_\_\_\_

b. For the following records or information (*check all that apply*):

- Medical, dental, and mental health  
 School and daycare  
 Extracurricular activity, including summer camps and sports teams  
 Child's employment (including volunteer and unpaid positions)  
 Other (*describe*): \_\_\_\_\_

(If the judge makes this order, providers will not be able to release the protected information to the person in 2.)

### 8 Do you believe the person in 2 might abduct (kidnap) your children?

- No  
 Yes (To ask for orders to help prevent abduction, you must complete [form DV-108](#), *Request for Orders to Prevent Child Abduction*, and attach it to this form.)

**This is not a Court Order.**



## Child Custody

You can ask a judge to make custody orders for your children. There are two types of custody in California: legal and physical custody.

- **Legal custody** means the person that makes decisions about the child's health, education, and welfare.
  - **Physical custody** means the person that the child regularly lives with.
- For both types of custody, parents can share custody (joint) or one parent can have full custody (sole).

### 9 Do you want the judge to make child custody orders?

- No
- Yes (Complete the section):

Legal Custody (check one):

- Sole to me
- Sole to person in ②
- Jointly (shared) by me and person in ②.
- Other (describe):  
\_\_\_\_\_

Physical Custody (check one):

- Sole to me
- Sole to person in ②
- Jointly (shared) by me and person in ②.
- Other (describe):  
\_\_\_\_\_

## Visitation (Parenting Time) with Children

You can ask a judge to make decisions about when your child spends time with the person in ②. This is called parenting time or visitation. It means the schedule and exact times each parent spends with the child. If a parent does not get custody, that parent can have parenting time with the child if a judge believes it is safe and in the child's best interest. Answer the questions below to tell the judge what parenting time you want right now for person in ②. Any orders the judge makes are temporary for now. They last until the court date (about three weeks away). On your court date, the judge can change or extend the orders.

### 10 Do you want the person in ② to have visits (parenting time) with the children?

- No, I ask the judge to order that person in ② have no visits. (Stop here. You have finished completing this form.)
- Yes (Go to ⑪.)

### 11 Do you want visits with the children to be supervised (monitored) by a third-party?

(To learn about supervised visitations, go to: <https://selfhelp.courts.ca.gov/guide-supervised-visitation>.)

- Yes (Go to ⑫.)
- No (Go to ⑬.)



**12 Details of Supervised (Monitored) Visits**

(Complete a and b):

a. Who do you want to supervise the visits?

(Check one):

Nonprofessional, like a trusted relative or friend (list name, if known): \_\_\_\_\_

Professional (list name, if known): \_\_\_\_\_

Professional fees paid by: Me \_\_\_\_\_ % Person in **(2)** \_\_\_\_\_ % Other: \_\_\_\_\_ %

b. How often and how long should the visits be?:

(Check one):

Once a week, for (number of hours): \_\_\_\_\_

Twice a week, for (number of hours): \_\_\_\_\_ each visit.

Other (describe): \_\_\_\_\_

Check here if you want to use the chart listed below for a schedule. \_\_\_\_\_

**Schedule for Supervised Visits**

(List the days and times the person in **(2)** should visit with the children.)

	Time	Person to bring children to and from visit	Location of drop-off/pick-up
Monday	Start: End, if applies:		
Tuesday	Start: End, if applies:		
Wednesday	Start: End, if applies:		
Thursday	Start: End, if applies:		
Friday	Start: End, if applies:		
Saturday	Start: End, if applies:		
Sunday	Start: End, if applies:		

Follow the schedule listed above (check one):

Every week     Every other week     Other \_\_\_\_\_

Start date for visits (month, day, year) \_\_\_\_\_

**!** If you completed **(12)**, you are done completing this form. Do not complete **(13)**.)



**13 Details of Unsupervised Visits**

(Complete a and b):

a. If the judge allows the person in ② to have unsupervised visits with your children, you will have to tell the judge how you want to handle drop-off and pick-up of the children, also called child exchanges.

Do you want child exchanges to be supervised by a third-party?

No

Yes (Complete the section below):

Who do you want to supervise the exchanges? (Check one):

Nonprofessional, like a trusted relative or friend (list name, if known): \_\_\_\_\_

Professional (list name, if known): \_\_\_\_\_

Professional fees paid by: Me \_\_\_\_\_ % Person in ② \_\_\_\_\_ % Other: \_\_\_\_\_ %

b. Describe the parenting time you want the person in ② to have with the children.

(Use the lines or chart below to explain what days and times the person in ② should visit with the children. Give details including when visits will happen, how often the visits should be, and who will be responsible for transporting the children.)

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Schedule for Unsupervised Visits			
	Time	Person to bring children to and from visit	Location of drop-off/pick-up
Monday	Start: End, if applies:		
Tuesday	Start: End, if applies:		
Wednesday	Start: End, if applies:		
Thursday	Start: End, if applies:		
Friday	Start: End, if applies:		
Saturday	Start: End, if applies:		
Sunday	Start: End, if applies:		
<b>Follow the schedule listed above (check one):</b> <input type="checkbox"/> Every week <input type="checkbox"/> Every other week <input type="checkbox"/> Other _____			
<b>Start date for visits (month, day, year)</b> _____			

**DV-140**

**Child Custody and Visitation Order**

Case Number: \_\_\_\_\_

This form is attached to (check one):  DV-110  DV-130

**1 Name of Protected Person:** \_\_\_\_\_  
Relationship to children:  Parent  Legal Guardian  Other (describe): \_\_\_\_\_

**2 Name of Restrained Person:** \_\_\_\_\_  
Relationship to children:  Parent  Legal Guardian  Other (describe): \_\_\_\_\_

**3  Children Under 18 Years Old**  
a. Name: \_\_\_\_\_ Date of birth: \_\_\_\_\_  
b. Name: \_\_\_\_\_ Date of birth: \_\_\_\_\_  
c. Name: \_\_\_\_\_ Date of birth: \_\_\_\_\_  
d. Name: \_\_\_\_\_ Date of birth: \_\_\_\_\_  
 (Check here if you have more children to list. On a separate piece of paper write "DV-140, Children" at the top and attach it to this form.)

**4  No Travel With Children Without Permission**  
 Person in **1**  Person in **2**  Other (name): \_\_\_\_\_  
**must** have written permission from the other parent, or a court order, to take the children outside of:  
a.  County of (list): \_\_\_\_\_  
b.  State of California  
c.  United States  
d.  Other place(s) (list): \_\_\_\_\_

**5  Stop Access to Children's School, Health, and Other Information**  
a. The person in **2** must not access or have access to the records or information for:  
 All the children listed in **3**.  
 Only the children listed here (names): \_\_\_\_\_  
b. From the following (check all that apply):  
 Medical, dental, and mental health providers  
 School and daycare providers  
 Extracurricular activity providers, including summer camps and sports teams  
 Child's employers (including volunteer and unpaid positions)  
 Other (describe): \_\_\_\_\_

**!** If you are a provider listed above, you must not release information or records regarding the children listed in **5**a to the person in **2**.

**This is a Court Order.**



**6**  **Judge's Decision on Request for Orders to Prevent Child Abduction** *(attach form DV-145)*

**7**  **Child Custody**

a. Legal Custody *(The person that makes decisions about the child's health, education, and welfare.)*

- Sole to Person in **1**                       Jointly (shared) by persons in **1** and **2**.  
 Sole to Person in **2**                       Other *(describe)*: \_\_\_\_\_

b. Physical Custody *(The person that the child regularly lives with.)*

- Sole to Person in **1**                       Jointly (shared) by persons in **1** and **2**.  
 Sole to Person in **2**                       Other *(describe)*: \_\_\_\_\_

c. If the judge granted sole or joint custody to the person in **2**, the judge must explain why.

*(For judge to complete. Check all that apply):*

- Judge's reasons given at the hearing *(See minute order or ask for the transcript.)*  
 Judge's reasons listed here: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**8**  **Person in 2 must have no visitation with children until further order of the court.**

*(If this form is attached to form DV-110, Temporary Restraining Order, this means that the judge has stopped your right to visit with your children temporarily. If you do not agree with this order, attend your court hearing.)*

**9**  **Supervised (Monitored) Visitation with Children**

a. Person to be supervised:  Person in **1**     Person in **2** by:

Nonprofessional *(name and relationship to child, if known)*: \_\_\_\_\_

Professional *(name, if known)*: \_\_\_\_\_

(1) Fees paid by: Person in **1** \_\_\_\_\_ % Person in **2** \_\_\_\_\_ % Other: \_\_\_\_\_ %

(2) Person in **1** contact provider by *(date)*: \_\_\_\_\_

Person in **2** contact provider by *(date)*: \_\_\_\_\_

b. Provider's contact information, if known

Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

c. Schedule of supervised visits

(1)  Once a week, for *(number of hours)*: \_\_\_\_\_

(2)  Twice a week, for *(number of hours)*: \_\_\_\_\_ each visit.

(3)  Follow the Visitation Schedule listed in **12**.

(4)  Other schedule *(describe)*: \_\_\_\_\_

**This is a Court Order.**



**10**  **Supervised (Monitored) Child Exchanges** (Use item **11** to describe visitation schedule.)

a. Person to be supervised:  Person in **1**  Person in **2** by:

Nonprofessional (name and relationship to child): \_\_\_\_\_

Safe location for exchanges: \_\_\_\_\_

(For more information on safe locations, go to <https://selfhelp.courts.ca.gov/guide-supervised-visitation>.)

Professional (list name, if known): \_\_\_\_\_

(1) Fees paid by: Person in **1** \_\_\_\_\_ % Person in **2** \_\_\_\_\_ % Other: \_\_\_\_\_ %

(2) Person in **1** contact provider by (date): \_\_\_\_\_

Person in **2** contact provider by (date): \_\_\_\_\_

(3) Location of exchanges to be decided by provider.

b. Provider's contact information, if known:

Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

**11**  **Visits With No Supervision (Unmonitored)**

a. If the judge granted unsupervised visits to the person in **2**, the judge must explain why.

(For judge to complete. Check all that apply):

Judge's reasons given at the hearing (See minute order or ask for the transcript.)

Judge's reasons listed here: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

b.  Person in **1**  Person in **2** will visit with the children as follows:

(1)  Visitation schedule described below:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(2)  Follow the Visitation Schedule listed in **12**.

**This is a Court Order.**



**12**  **Visitation Schedule for Person in** **2**

	Time	Person to bring children to and from visit	Location of drop-off/pick-up
Monday	Start: End, if applies:		
Tuesday	Start: End, if applies:		
Wednesday	Start: End, if applies:		
Thursday	Start: End, if applies:		
Friday	Start: End, if applies:		
Saturday	Start: End, if applies:		
Sunday	Start: End, if applies:		

**Follow the schedule listed above (check one):**

Every week     Every other week     Other \_\_\_\_\_

**Start date for visits (month, day, year)** \_\_\_\_\_

**13**  **Other Orders**

*(Describe additional orders or refer to an attachment (e.g., [FL-341\(C\)](#), Children's Holiday Schedule Attachment)):*

**14** **Country of Habitual Residence**

The country of habitual residence of the child or children in this case is  The United States  
or  Other (*specify*): \_\_\_\_\_.

**15** **Jurisdiction and Notice**

This court has jurisdiction to make child custody orders in this case under the Uniform Child Custody Jurisdiction and Enforcement Act (part 3 of the California Family Code starting with section 3400). The responding party was given notice consistent with the laws of the State of California.

**16** **Penalties for Violating This Order**

If you violate this order, you may be subject to civil or criminal penalties, or both.

**This is a Court Order.**



### **What is a “domestic violence restraining order”?**

It is a court order that can help protect people who have been abused by someone they've had an intimate relationship with, are closely related to, or have lived with as more than just roommates.

### **How can a restraining order help me?**

A judge can order the restrained person to:

- Not contact you, your children or relatives, or people you live with;
- Stay away from you, your children or relatives, or people you live with, your home, your job, etc.;
- Not have any firearms (guns, including "ghost guns"), firearm parts, or ammunition;
- Move out of a home that you live in;
- Obey child custody and visitation orders;
- Pay child support;
- Pay spousal support;
- Pay debt for property; and
- Give you control of property (examples: cell phone, car, home).

### **Does this request cost money to file?**

No, filing this request with the court is free.

### **How long can a restraining order last?**

If the judge makes a temporary order, it will last until your hearing date (court date). Your hearing is usually three weeks after you turn in your court papers. At your hearing, the judge will decide whether to grant you a long-term restraining order that can last up to five years.

### **How soon can I get the order?**

If you decide to ask for a restraining order, you will need to complete court papers. Once you turn in your court papers, a judge will decide the same day or next business day on whether to grant you a temporary restraining order.

### **How old must I be to ask for one?**

To ask for a restraining order on your own, you must be 12 years old or older. In some cases, the judge may ask that an adult (someone 18 years old or older), like a trusted relative, help you in your case.

### **What if I don't have a green card?**

You can get a restraining order even if you are not a U.S. citizen. If you are worried about deportation, you may want to talk with an immigration lawyer.

### **Can a restraining order protect my children?**

Yes, you can ask the judge to protect your children. If you are asking for a restraining order against someone you have children with, you can also ask the judge to make child custody and visitation orders. And if you think that the other parent might abduct (kidnap) your children, you can ask for orders to prevent kidnapping.

### **Can I use a restraining order to get divorced or terminate a registered domestic partnership?**

No. These forms will not end your marriage or registered domestic partnership. You must file other forms to end your marriage or registered domestic partnership.



**Am I eligible?**

To qualify for a domestic violence restraining order, you must have a (1) required relationship and (2) show that the person you want a restraining order against has been abusive.

**Required relationship**

- Your spouse, ex-spouse, registered domestic partner, or ex-registered domestic partner;
- Someone you have a child with;
- Your parent, child, sibling, or grandparent (includes in-laws and step relationships);
- Someone you live with or used to live with (more than just roommates);

**Abuse**

Abuse can be spoken, written, or physical. It can be physical, sexual, or emotional. It includes threats to harm you or your family, stalking, harassment, destroying personal property, repeated contact, and disturbing the peace.

**What does disturbing the peace mean?**

It means to destroy someone's mental or emotional calm. Disturbing the peace includes coercive control. Coercive control means a number of acts that unreasonably limit the free will and individual rights of any person. Examples include:

- Isolating someone from their friends, relatives, or other support;
- Keeping them from food or basic needs;
- Controlling or keeping track of them, including their movements, contacts, actions, money, or access to services;
- Threats to immigration status;
- Making them do something that they don't want to do; and
- Controlling or interfering with someone's contraception (birth control, condoms); pregnancy or ability to become a parent; or access to health information.

**What if I don't qualify for a domestic violence restraining order?**

There are other kinds of restraining orders you can ask for. Here are some examples:

- Civil harassment order (can be used for neighbors, roommates, cousins, uncles, and aunts).
- Dependent adult or elder abuse restraining order (if you are at least 65 or a dependent adult).
- Gun violence restraining order (to prevent someone from hurting themselves or others with a firearm).

Note that all restraining orders include a firearms and ammunition restriction. A gun violence restraining order gives limited protection because it only restrains the person from having firearms and ammunition. To learn more about other kinds of restraining orders, go to: <https://selfhelp.courts.ca.gov/restraining-orders>.

**How do I ask for a domestic violence restraining order?**

See [form DV-505-INFO](#), *How to Ask for a Domestic Violence Restraining Order*. The forms are available online at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms). If you want a paper copy, go to any California courthouse. You can also check with your county's law library.

**Will I have a court hearing (court date)?**

Yes. The court will give you a day and time to attend court. If you want to attend court remotely (by phone or videoconference), go to the court's website to find out how to attend remotely. To learn more about what to expect at your hearing, read [form DV-520-INFO](#), *Get Ready for Your Restraining Order Court Hearing*, or go to: <https://selfhelp.courts.ca.gov/DV-restraining-order/prepare-court-date>.



### Do I need a lawyer to make this request?

No, but this type of request can be hard to get through on your own. Free help may be available at your local court's self-help center. (See below.)

### Where can I find a self-help center?

Find your local court's self-help center at

[www.selfhelp.courts.ca.gov/find](http://www.selfhelp.courts.ca.gov/find). Self-help center staff will not act as your lawyer but may be able to give you information to help you decide what to do in your case, and help you with the forms.

### What if I need an interpreter?



If you decide to ask for a restraining order, you will need to talk to a judge. If you need an interpreter, use [form INT-300](#) to request an interpreter or ask the court clerk how you can request one.

### I have a disability. How can I get help?

You may use [form MC-410](#) to request assistance. Contact the disability or ADA coordinator at your local court for more information.

### Request for Accommodations



Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to [www.courts.ca.gov/forms.htm](http://www.courts.ca.gov/forms.htm) for *Disability Accommodation Request* ([form MC-410](#)). (Civil Code section 54.8.)

### Confidential Address Program

If you are a victim of domestic violence or live with a victim of domestic violence, there is a special program called Safe At Home that you can apply for. It is a free program that would help you keep your address private. To learn more about the program, go to:

<https://www.sos.ca.gov/registries/safe-home/>.

Note that it may take several weeks to be approved.

### For more information on other steps of the process

- [Form DV-505-INFO](#), *How to Ask for a Domestic Violence Restraining Order*
- [Form DV-200-INFO](#), *What Is "Proof of Personal Service"?*
- [Form DV-520-INFO](#), *Get Ready For Your Restraining Order Court Hearing*
- [Form DV-530-INFO](#), *How to Enforce Your Restraining Order*

### Information about the court process is also available online

<https://selfhelp.courts.ca.gov/DV-restraining-order/process>.

### Where can I find other help?

The National Domestic Violence Hotline provides free and private safety tips. Help is available every day, 24 hours a day, and in over 100 languages. Visit online at [www.thehotline.org](http://www.thehotline.org) or call 1-800-799-7233; 1-800-787-3224 (TTY).

**DV-505-INFO****How to Ask for a Domestic Violence Restraining Order****Part 1: Complete court forms**

You will need to complete at least three forms to ask for a domestic violence restraining order:

**Required forms:**

- [Form DV-100](#);
- [Form DV-109](#);
- [Form DV-110](#); and
- [Form CLETS-001](#).

**Optional forms:**

If you have a child or children with the other side, you can ask for additional protection, like child custody orders. To make these requests, you must complete two more forms:

- [Form DV-105](#); and
- [Form DV-140](#).

If you want to ask for child support or spousal support, make the request on form DV-100 (see item (24) or (25) ) and complete one more form:

- [Form FL-150](#).

**Most court forms are public documents. What does "public" mean?**

When you file papers with the court, those papers become "public." This means that anyone may ask the court to see the information you put on your papers. Also, the person you are asking for protection from will see all the information on your court papers, because you will have to have these papers personally delivered to the them. This is called "personal service," and more information is available on [form DV-200-INFO, What Is "Proof of Personal Service"?](#)

**How old must I be to ask for my own restraining order against someone?**

To ask for a restraining order, you must be 12 years old or older. In some cases, the judge may ask that an adult (someone 18 years old or older), like a trusted relative, help you in your case.

**Tips for completing form DV-100****Required relationship**

At item (3), you must have one of the listed relationships between you and the person you want protection from. If none apply, go to <https://selfhelp.courts.ca.gov/restraining-orders> for information on other types of restraining orders you might qualify for.

**Describe the abuse**

At items (5)–(7), you must describe the abuse that happened. This part is important, because a judge will decide whether to give you a restraining order based on the information you give. For more information of what abuse means under the law, see form [DV-500-INFO, Can A Domestic Violence Restraining Order Help Me?](#)

**I don't want people to see my address**

You may not want someone to be able to see certain information, like your address. You do not have to give the address to where you live on form DV-100, item (1). You can use a different address, like a friend's address or P.O. box. Just be sure to get the person's permission to use their address first, because any papers the court or other side mails to you will go to the address you list in item (1). And make sure that person will tell you right away if you get mail from the court.

**I don't want people to see information I provide about a child (minor)**

You can ask the court to make some of the information you provide about a child private (confidential). If the court makes information about a child private, the public will not be able to see this information on your court papers. See [form DV-160-INFO](#) for help with asking the court to make a child's information private.



### What if the other side has firearms (guns) or ammunition?

In item (9), list information you have about any firearms (guns), firearm parts, or ammunition that the other side might own or have access to. This information is important to the judge. The judge can notify law enforcement about any firearms, including illegal or untraceable firearms called "ghost guns." Once notified, law enforcement must do what they can to get the firearms if there is a restraining order in place.

### What does "Other orders" (item (14)) mean?

This section allows you to make any special requests that you need to prevent more abuse by the other side.

### What is the difference between "Pay Debts Owed for Property (item (22)) and "Pay Expenses Caused by the Abuse (item (23))?"

If you want the other side to pay a debt owed for property, like a car or mortgage, you can make this request at item (22). If you want the other person to pay you back for damage that happened because of their abuse, like breaking your cellphone or for medical bills, you can make this request at item (23).

### What is "Spousal Support" (item (25))?

If you are married to the person you want protection from or in a registered domestic partnership, you can ask a judge to order them to pay you spousal support. The amount of spousal support depends on different factors, including how much you make versus how much the other side makes. It is important to know that in California, you cannot get spousal support for "common law" marriages, where parties have lived like a married couple but never legally married. California does not recognize "common law" marriage.

### What is a "Batterer Intervention Program" (item (27))?

In most cases, it is a year-long program that helps a person recognize abusive behavior so that they will stop the abuse. Unlike anger management programs, the goal of batterer intervention programs is to stop a person from using power and control in their relationships. If ordered to complete the program by a judge, the restrained person will have to pay program fees. The program will keep track of progress and attendance.

## Part 2: File your court papers

Filing is when you turn in your completed court papers to the court. To file your court papers, you can call the court clerk to see find out which courthouse to go to. If you want to file online (e-file), check your local court's website for more information. To find your local court or their website, go to:

[www.courts.ca.gov/find-my-court.htm](http://www.courts.ca.gov/find-my-court.htm).

## Part 3: Get your papers from court

After you turn in your court papers, you will need to get them back from the court. Your papers will be ready the same day or the next business day. Ask the court clerk when your court papers will be ready. You may have to return to the courthouse to pick up your papers if the court cannot return them to you electronically. Look at your papers to see if the judge granted you a temporary restraining order, on form DV-110.

- ▶ If the judge **granted** you temporary protection and you want it to last longer, make sure you attend your court hearing (listed on form DV-109).
- ▶ If the judge **did not** grant you a temporary restraining order, the judge can grant you a restraining order at your court hearing (listed on form DV-109).



## Part 4: Have someone serve your papers

You must have an adult personally give a copy of all your court papers to the person you want a restraining order against. It cannot be you or anyone listed on the restraining order. Serving papers can be a dangerous situation. If you want the sheriff to serve your papers, they will do so for free. For more information on service, read [form DV-200-INFO](#), *What Is "Proof of Personal Service"?*

## Part 5: Get ready for and go to your court hearing

At your court hearing, the judge will decide whether to grant you a long-term restraining order that can last up to five years. You have the option of attending your hearing in-person or remotely (by phone, or videoconference if available). For information on how to attend your hearing remotely, go to the court's website. Some courts may require advance notice. At the hearing, you and the other side will have the opportunity to tell your side of the story. For more information, read [form DV-520-INFO](#), *Get Ready for the Restraining Order Court Hearing*. If you need more time to prepare your case, you may ask for a new court date. Read form [DV-115-INFO](#), *How to Ask For a New Hearing Date*, for more information.

## Information about the process is also available online

<https://selfhelp.courts.ca.gov/DV-restraining-order/process>.

## Where can I find free help?

Free legal help is available at your court's self-help center. Find your local court's self-help center at [www.selfhelp.courts.ca.gov/find](http://www.selfhelp.courts.ca.gov/find). Self-help center staff will not act as your lawyer but may be able to give you information to help you decide what to do in your case, and help you with the forms. Staff may also refer you to other agencies who may be able to help you.

## What if I am worried about my safety?

The National Domestic Violence Hotline provides free and private safety tips. Help is available every day, 24 hours a day, and in over 100 languages. Visit online at [www.thehotline.org](http://www.thehotline.org) or call 1-800-799-7233; 1-800-787-3224 (TTY).

**JV-240**

**Notice of Request for Approval of Short-Term Residential Therapeutic Program or Community Treatment Facility Without a Hearing**

Clerk stamps date here when form is filed.  
  
**DRAFT**  
**Not approved by the Judicial Council**

**Important:** The agency listed in ① has asked the judge to approve a placement for a child or nonminor dependent. If you do not agree to the placement listed in ②, you must file form JV-236, *Input on Placement in Short-Term Residential Therapeutic Program or Community Treatment Facility*. If you have a lawyer, talk to your lawyer right away if you do not agree with the placement.

① Agency requesting review: \_\_\_\_\_  
Name of person filing the form: \_\_\_\_\_  
Title of person filing the form: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_

Fill in court name and street address:  
**Superior Court of California, County of**

**② Placement of child or nonminor dependent**

Fill in child's/nonminor's name and date of birth:  
**Child's/Nonminor's name:**  
  
**Child's/Nonminor's date of birth:**

- a. Name of placement: \_\_\_\_\_
- b. This is a (check one):
  - short-term residential therapeutic program.
  - community treatment facility.
- c. Date of placement: \_\_\_\_\_

Court fills in case number when form is filed.  
**Case Number:**

③ The agency listed in ① has asked the judge to approve the placement without a court hearing. If you do not agree to the placement listed in ②, you must file form JV-236. If you do not file form JV-236, the court hearing currently scheduled for (date of court hearing): \_\_\_\_\_ may be canceled.

**④ Signature of agency representative**

Date: \_\_\_\_\_

\_\_\_\_\_  
*Name of agency representative*

▶ \_\_\_\_\_  
*Signature of agency representative*



April 21, 1997

Ms. Cara Vonk  
Judicial Council of California  
Administrative Office of the Courts  
303 Second Street, South Tower  
San Francisco, CA 94107

Dear Ms. Vonk,

The updated number calculated in accordance with Civil Code section 1714.1 subdivision c is \$25,900.00. Proper escalation procedure divides the difference of the end-of-period number and the beginning-of-period number by the beginning-of-period number. Next add one and multiply by the original number in this case \$25,000.00.

The California Consumer Price Index (CCPI) formula is established by the Department of Industrial Relations (DIR). The Department of Finance, using the DIR formula for the CCPI, calculates the January 1, 1995 CCPI as 151.5, for January 1, 1996 (154.0), and for January 1, 1997 (157.1). The calculation rests on the assumption that the figure of \$25,000.00 originates January 1, 1995 as you stated in our conversation this morning.

$$25,925.00 = \left[ \frac{(157.1 - 151.5)}{151.5} + 1 \right] \times 25,000.00$$

Subdivision c requires the number to be rounded to the nearest one hundred dollars producing \$25,900.00. My phone number is (916) 322-2263 x2423; where I can be reached to answer to any questions. I have included CCPI data tables for purposes of documentation.

Sincerely

A handwritten signature in cursive script that reads "Jason Barnhart".

Jason Barnhart