



Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 24-156

For business meeting on September 20, 2024

Title

Protective Orders: Implementation of Senate Bill 459

Rules, Forms, Standards, or Statutes Affected

Amend Cal. Rules of Court, rule 5.92; adopt forms DV-300, DV-305, DV-310, DV-315, DV-316, DV-320, DV-325, and DV-330; approve form DV-300-INFO; revise forms DV-105(A), FL-300, FL-300-INFO, FL-320, and FL-320-INFO; revoke forms DV-400 and DV-400-INFO

Recommended by

Family and Juvenile Law Advisory Committee
Hon. Stephanie E. Hulseley, Chair

Agenda Item Type

Action Required

Effective Date

January 1, 2025

Date of Report

September 19, 2024

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Executive Summary

To implement Senate Bill 459 (Stats. 2023, ch. 874), the Family and Juvenile Law Advisory Committee recommends the adoption of a new series of domestic violence restraining order forms to allow either party to request to change or end a domestic violence restraining order. The proposal also recommends changes to existing family law forms and a family law rule of court to reflect the new proposed process. The recommended changes will help parties, attorneys, and court professionals understand the procedures to modify or terminate orders made in a domestic violence restraining order.

Recommendation

To implement the requirements of SB 459, the Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2025:

1. Amend rule 5.92 of the California Rules of Court to reflect that new forms are to be used for requesting a modification of an existing domestic violence restraining order and to reflect other recent changes in law;
2. Adopt eight new domestic violence (DV) forms:
 - *Request to Change or End Restraining Order* (form DV-300);
 - *Request to Change Child Custody and Visitation Orders* (form DV-305);
 - *Notice of Court Hearing and Temporary Order to Change or End Restraining Order* (form DV-310);
 - *Request to Reschedule Hearing to Change or End Restraining Order* (form DV-315);
 - *Order to Reschedule Hearing to Change or End Restraining Order* (form DV-316);
 - *Response to Request to Change or End Restraining Order* (form DV-320);
 - *Response to Request to Change Child Custody and Visitation Orders* (form DV-325); and
 - *Order on Request to Change or End Restraining Order* (form DV-330);
3. Approve one new DV form, *How Do I Ask to Change or End a Domestic Violence Restraining Order?* (form DV-300-INFO);
4. Revise one DV form, *City and State Where Children Lived* (form DV-105(A));
5. Revise four family law (FL) forms to clarify they are not to be used to request a modification of an existing domestic violence restraining order:
 - *Request for Order* (form FL-300);
 - *Information Sheet for Request for Order* (form FL-300-INFO);
 - *Responsive Declaration to Request for Order* (form FL-320); and
 - *Information Sheet: Responsive Declaration to Request for Order* (form FL-320-INFO); and
6. Revoke two existing forms:
 - *Findings and Order to Terminate Restraining Order After Hearing (CLETS–CANCEL)* (form DV-400); and
 - *How Do I Ask to Change or End a Domestic Violence Restraining Order After Hearing?* (form DV-400-INFO).

The proposed amended rule and new and revised forms are attached at pages 12–56.

Relevant Previous Council Action

The Judicial Council previously adopted, approved, revised, and amended domestic violence forms and family law rules and forms, effective July 1, 2016, to establish procedures for requesting and recording modification or termination of orders issued in *Restraining Order After Hearing* (form DV-130) under Family Code section 6345. The council adopted the following relevant forms: *Findings and Order to Terminate Restraining Order After Hearing (CLETS–CANCEL)* (form DV-400) and *How Do I Ask to Change or End a Domestic*

Violence Restraining Order After Hearing? (form DV-400-INFO). In addition, the Judicial Council revised the following relevant forms: *Request for Order* (form FL-300), *Information Sheet for Request for Order* (form FL-300-INFO), *Responsive Declaration to Request for Order* (form FL-320), and *Information Sheet: Responsive Declaration to Request for Order* (form FL-320-INFO) to reflect those procedures.¹

Analysis/Rationale

SB 459 requires the council to create one or more specific forms for the purpose of modifying a restraining order based on domestic violence no later than January 1, 2025.² Currently, litigants seeking to modify or terminate a domestic violence restraining order or to respond to such a request must use family law forms (form FL-300 and form FL-320).

Domestic violence forms

To comply with SB 459, the committee recommends the adoption and approval of new forms in the DV series that will allow either party to request to change or end a domestic violence restraining order that has been issued after a noticed hearing. A description of each new form and changes to existing forms is provided below.

Request to Change or End Restraining Order (*form DV-300*)

This form can be used by either party to ask to change or end a domestic violence restraining order that has been granted after a noticed hearing and that is still in effect. This form could also be used to ask to change or end a restraining order, based on domestic violence, issued by a juvenile dependency court, after the juvenile case has closed.³ This form and other DV-300 series forms would not be used when a party seeks to change an order that was (1) granted in a domestic violence restraining order that remains in effect even after the restraining order has expired, like a child custody order,⁴ or (2) made in a separate family law case. In those situations, the party would continue to use *Request for Order* (form FL-300).

How Do I Ask to Change or End a Domestic Violence Restraining Order? (*form DV-300-INFO*)

This information sheet answers questions that parties might have about this process, including when to use a different process. On page 3, the form gives step-by-step instructions on how to make a request to change or end a domestic violence restraining order.

¹ Judicial Council of Cal., Advisory Com. Rep., *Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms* (Oct. 13, 2015), <https://jcc.legistar.com/View.ashx?M=F&ID=4102087&GUID=CDCF9602-7D6A-42C6-9056-505665197C34>.

² Fam. Code, § 6345(e).

³ To change or end a juvenile restraining order within an open juvenile dependency case, parties would follow the process provided in rule 5.630(j).

⁴ Under Family Code section 6340, custody, visitation, and support orders made through a domestic violence restraining order survive the termination of the restraining order.

Request to Change Child Custody and Visitation Orders (*form DV-305*)

This form is an attachment to the request to change or end a restraining order (form DV-300). A party would complete this form to ask the court to change a child custody or visitation order made in a domestic violence restraining order matter if the restraining order is still in effect. The committee notes that it is proposing a format for visitation on this form that is simpler than the format on *Request for Child Custody and Visitation Orders* (form DV-105), which is used to request child custody and visitation in the initial restraining order request. For this new process, it would be simpler for the party seeking a change to a visitation order to explain how the order should be changed rather than listing what the proposed order should be. If the request is granted, the court would list the visitation order in detail on form DV-140.

Notice of Court Hearing and Temporary Order to Change or End Restraining Order (*form DV-310*)

This form provides both parties with notice of the court hearing on the request to change or end the restraining order, as well as the court’s decision on a request for temporary orders, if applicable.

Request and order to reschedule court hearing (forms DV-315 and DV-316)

Either party may use form DV-315 to ask the court to reschedule the court hearing. The court would use form DV-316 to issue its decision on a request to reschedule the court hearing. Form DV-316 is substantially similar to other orders to reschedule a court hearing (forms DV-116 and DV-716). However, the committee notes one option in the service section of form DV-316 that is not provided on forms DV-116 or DV-716. Statute requires that if the restrained party is seeking the modification or termination, that party must serve the protected party before the hearing, generally by personal service.⁵ Because the court has the authority under that statute to allow the restrained party to serve the protected party by an alternative method of service—authority not provided in the statutes supporting DV-116 and DV-716—the committee has included this option in item 5b(3) on form DV-316.

Response to Request to Change or End Restraining Order (*form DV-320*)

This form would be used by the party responding to the request to change or end the restraining order. The form allows the party to indicate whether they agree or disagree with the request to change or end the restraining order, with the option of providing the reasons for their position or proposing another change in the order that they would agree to.

Response to Request to Change Child Custody and Visitation Orders (*form DV-325*)

This form is an attachment to the response (form DV-320). This form would be used by the party responding to a request to change or end child custody and visitation orders submitted on form DV-305. The form allows the party to indicate whether they agree or disagree with each order requested by the party seeking to change or end these orders.

⁵ Fam. Code, § 6345(d).

Order on Request to Change or End Restraining Order (*form DV-330*)

After a noticed hearing on a request to change or end a domestic violence restraining order, the court would issue its decision and any applicable orders on this form. If the court grants the request to change the Restraining Order After Hearing, the court must also sign a new form DV-130 and attach it to this form. If the court changes or ends the restraining order, the court must enter this order into the mandatory law enforcement database (CARPOS/CLETS)⁶ or transmit the order to the responsible law enforcement agency.

City and State Where Children Lived (*form DV-105(A)*)

The form has been revised so that it can be used by either party in a request to change or end the restraining order after hearing.

Findings and Order to Terminate Restraining Order After Hearing (CLETS–CANCEL) (*form DV-400*) and How Do I Ask to Change or End a Domestic Violence Restraining Order After Hearing? (*form DV-400-INFO*)

The committee recommends revoking these two forms. If the council adopts form DV-330, form DV-400 would no longer be needed to issue the court’s decision on a request to change or end a restraining order. Form DV-400-INFO would no longer be needed, as proposed form DV-300-INFO provides parties with information about the process.

Family law rule and forms

Rule 5.92, Request for court order; responsive declaration

This rule specifies the requirements for filing a request for order (and a response to the request) in a family law case. It includes directions as to the forms that must be used to request that the court modify or terminate domestic violence restraining orders in form DV-130.

To update the rule to reflect the procedure required by the new law, the committee recommends amending subdivision (a)(2) to mandate the use of two different forms for the request to change or end the restraining order. Form FL-300 is to be used to ask to change or end the court orders in form DV-130 (for example, child custody, visitation (parenting time), or child support) after the restraining order expires. Form DV-300 is to be used for the same purpose while the restraining order (form DV-130) is still in effect. The rule will also mandate the use of two forms to respond to the request to change or end the restraining order (form FL-320 and form DV-320, respectively).

In addition, the committee recommends that new subdivision (a)(3) be included in rule 5.92 to recognize that form FL-300 will also be used when a juvenile dependency action has been dismissed (closed) and a party seeks to change or end the restraining order granted in

⁶ CARPOS (California Restraining and Protective Order System), formerly known as DVROS, is a database maintained by the California Department of Justice and is accessible via CLETS, the California Law Enforcement Telecommunications System. All restraining orders, including any modifications or terminations, must be entered into CARPOS under Family Code section 6380.

Juvenile Restraining Order After Hearing (form JV-255). Specifically, the committee recommends that the rule require that (1) form DV-300 be used to ask that the court change or end the order if it was granted under the Domestic Violence Prevention Act (DVPA), (2) form FL-300 be used to ask the court to change or end the restraining order if it was granted under the Code of Civil Procedure, and (3) form FL-320 or form DV-320 be used to respond to the request to change or end the order in form JV-255.

Request for Order (form FL-300)

This form is used by parties in family law cases to ask for court orders. The committee recommends changing the form to remove the request for the court to change or end domestic violence restraining orders in form DV-130 because form FL-300 would no longer be used to make that request. Specifically, the committee recommends (1) deleting, on page 1, the “Domestic Violence Order” check box in the caption; (2) adding a note under the caption on page 1 that directs the user to forms FL-300-INFO (for help with completing form FL-300) and DV-300-INFO (for help with completing form DV-300); (3) deleting the information under item 3 on page 1 directing the user to forms FL-300-INFO and DV-400-INFO; and (4) deleting item 7 (“Domestic Violence Order”) and renumbering items 8, 9, and 10.

Information Sheet for Request for Order (form FL-300-INFO)

This form provides information about how to complete *Request for Order* (form FL-300). The committee recommends that items 1 and 2 on page 1 of the form be revised to align with the changes proposed to form FL-300 and the new DV forms described above.

The committee recommends minor changes to the instructions on page 1 including (1) specifying in item 2 that the referenced petition is for a *family law* case and (2) adding “these forms” to the end of items 3d, 3e, and 3f, to be consistent with the other entries in item 3). The changes on page 2 include redrafting and reformatting item 4 to make the item easier to read and updating the image of form FL-300. The recommended changes to pages 3 and 4 include using gender-neutral terms to replace binary pronouns.

Responsive Declaration to Request for Order (form FL-320)

This form is used by a party to file a response to the court orders requested in *Request for Order* (form FL-300). The committee recommends deleting item 7 (“Domestic Violence Order”) and renumbering items 8, 9, and 10.

Information Sheet: Responsive Declaration to Request for Order (form FL-320-INFO)

This form provides information about how to complete *Responsive Declaration to Request for Order* (form FL-320). The committee recommends changes to this form to implement SB 459. On page 1, item 3 would include a new bullet point to let the party know not to use form FL-320 to respond to *Request to Change or End Restraining Order* (form DV-300) but to, instead, use *Response to Request to End or Change Restraining Order* (form DV-320).

In addition, on page 2, the committee recommends (1) changing item 6 to reflect that form FL-320 has eight items (after deleting item 7 (“Domestic Violence Order”)); (2) updating the image of form FL-320; and (3) moving the heading (“Complete the top part (caption) of the form”) to item 5, as it was inadvertently placed above item 5 in the current form.

Policy implications

In addition to implementing legislative changes, this proposal contributes to the implementation of Goal I, “Access, Fairness, Diversity, and Inclusion,” of the *Strategic Plan for California’s Judicial Branch* by helping to make forms easier to complete and understand for self-represented litigants.

Comments

This proposal was open for public comment from April 2 through May 3, 2024. Nine commenters responded to the proposal. Three agreed with the proposal; three agreed, if modified; two did not indicate a position; and one disagreed with the proposal. The commenters were the Superior Courts of Los Angeles, Orange, San Diego, and Ventura Counties; Community Legal Aid SoCal; the California Lawyers Association; the Family Violence Appellate Project; the Orange County Bar Association; and the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee.

Most commenters supported many of the proposed changes. One commenter, the Family Violence Appellate Project, did not agree with the proposal, stating that a separate set of forms should be designed for the protected party as the proposed forms may make it easier for the restrained party to seek modification or termination. The committee believes the recommended forms fulfill the requirements of SB 459 and the council’s goal of providing forms that are fair and accessible.

Some of the more significant changes made in response to comments are described below. All comments and the committee’s responses are provided in the attached chart of comments at pages 63–83.

Form DV-300

In light of comments received regarding how litigants should indicate the modifications they are seeking, the committee recommends using a narrative format for the item that asks the requester to describe the changes sought.⁷ Using a narrative format, rather than a template format, provides the requester more flexibility to include any order the court has authority to grant or modify under the Domestic Violence Protection Act.

⁷ Form DV-300, item 3b(1).

Temporary orders made on an ex parte basis⁸

The committee recommends including an item that would allow the requester to indicate whether they are asking for immediate orders (i.e., on an ex parte basis). The committee believes that the court has the authority to make immediate orders on an ex parte basis in the following situations: (1) when the protected party needs more protection, (2) to prevent immediate harm to a child in the case, and (3) if there is an immediate risk that a child in the case will be removed from California. The committee sought specific comment on whether other circumstances would allow the court to issue immediate orders on an ex parte basis. Commenters did not identify another basis for the court’s authority. However, some commenters did note that the item does not capture the situations in which the court *cannot* grant a request on an ex parte basis. In light of these comments, the committee has included an instruction in this item that the court cannot change or end a restraining order at the restrained person’s request without proper notice to the protected party and a noticed hearing, as required under Family Code section 6345(d).

Form DV-330

In response to a comment, the committee recommends allowing the court to indicate the status of any child custody, visitation, and support orders after terminating the restraining order after hearing.

Family law rule and forms: changes to rule 5.92, form FL-300, and form FL-300-INFO

One commenter proposed amending rule 5.92 to clarify that “[form DV-300] must be used to request a modification or termination of all orders made in a Restraining Order After Hearing (form DV-130).”

In response and after discussion, the committee recommends that rule 5.92(a) be subdivided into 5.92(a)(2)(A) and (B) to reflect that (1) form DV-300 must be filed when a party seeks to modify orders in form DV-130 when the restraining order is still in effect, including any orders for child custody, child support, spousal or domestic partner support, property, or other orders; and (2) after the restraining order in form DV-130 has expired, form FL-300 must be used when the party wants to modify any orders that remain in effect, such as child custody, child support, spousal or domestic partner support, property, or other orders that remain in effect. In addition, the committee recommends that the rule list the forms that must be used to respond to the requests.

Further, the committee considered the need for a new provision in rule 5.92 about filings made in family court to change or end *Juvenile Restraining Order After Hearing* (form JV-255) after the juvenile dependency case is closed. The consideration was made in light of the committee’s recommendations in a concurrent report.⁹ In that report, the committee is

⁸ Form DV-300, item 3b(4).

⁹ Judicial Council of Cal., Advisory Com. Rep., *Juvenile Law: Restraining Orders* (Aug. 15, 2024), <https://jcc.legistar.com/View.ashx?M=F&ID=13232076&GUID=9E898C68-6867-4CA5-A32F-74CAE8CEE33C>.

recommending that rule 5.630 (Restraining orders) be amended to provide the process to change or end a restraining order when a juvenile court case is still open. Rule 5.630(j) will reference mandated forms and will cross-reference rule 5.92 for required procedures and forms when a juvenile dependency court case is closed and a party files an action in family court seeking to change or end the restraining order in form JV-255.

To this end, the committee recommends that rule 5.92 include a subdivision (a)(3) to specify the forms that must be used when the juvenile case is closed and the party seeks to change or end the order granted under either the DVPA in the Family Code or Code of Civil Procedure. The subdivision will also identify the forms to be used to respond to the request.

The committee determined that rule 5.92(a)(3) is needed to provide more complete direction to family court professionals (court clerks, judicial officers, Self-Help Center staff, and others) and to parties and their attorneys in family court about the filing procedures and forms needed to request, and respond to a request, to end or change restraining orders that may be filed in family court.

Having the procedures in rule 5.92 relating to a request to change or end a juvenile restraining order is important because the rule relates to the use of *Request for Order* (form FL-300). Form FL-300 is not used in juvenile court proceedings. Placing the recommended language in rule 5.92(a)(3), instead of in rule 5.630, will make the rule more comprehensive with respect to the procedures and the permitted use of form FL-300 in family court.

In addition to the recommendation to amend to rule 5.92, the committee recommends revising *Request for Order* (form FL-300) and *Information Sheet for Request for Order* (form FL-300-INFO) to include information about using the forms to request changes to the restraining order in forms DV-130 and JV-255. The recommended change to form FL-300 is to add a note on page 1 under the caption. In form FL-300-INFO, additional bullet points are recommended to the first page.

Other minor changes to rule 5.92 and form FL-300-INFO

On further review of the rule while making its recommendations, the committee recognized the need to align the rule and information sheet with the changes that the Judicial Council adopted to implement a prior law, Assembly Bill 2369 (Stats. 2022, ch. 591), effective January 1, 2024.¹⁰ AB 2369 repealed and added Family Code section 6344.¹¹

¹⁰ Judicial Council of Cal., Advisory Com. Rep., *Domestic Violence: Form Changes to Implement New Laws* (Aug. 23, 2023), <https://jcc.legistar.com/View.ashx?M=F&ID=12246297&GUID=A32FA16D-5D75-405D-B35B-DD9E454992A4>.

¹¹ AB 2369 required the court in a domestic violence restraining order proceeding to, on request, award attorney's fees or costs to a prevailing petitioner, or to a prevailing respondent if the prevailing respondent can show "by a preponderance of the evidence" that the petition or request was "frivolous or solely intended to abuse, intimidate, or cause unnecessary delay."

To implement the new law, the Judicial Council adopted and revised certain domestic violence forms, including *Request for Domestic Violence Order* (form DV-100), to remove the requirement that the petitioner file *Income and Expense Declaration* (form FL-150) in support of a request for attorney's fees and costs orders. This change was, and remains, relevant to both rule 5.92 and form FL-300-INFO because they instruct the parties to complete and file form FL-150 when a party is seeking an order for the other party to pay their attorney's fees and costs.

Rule 5.92 and form FL-300-INFO should also have been revised along with the DV forms to implement AB 2369, but revisions to this rule and information sheet were inadvertently omitted from the prior recommendations that included revisions to form DV-100. To implement AB 2369, the committee recommends amending rule 5.92(b)(2) and revising form FL-300-INFO to specify that form FL-150 is not required, as previously described.

Although the recommended changes to rule 5.92 and form FL-300-INFO were not circulated for public comment, the committee believes that they are noncontroversial. The recommended changes to the rule and information sheet align with the revisions to form DV-100. In the report to the Judicial Council, with respect to form DV-100, the committee received comments from courts and legal organizations that the committee's recommendations appropriately address the stated purpose of the proposal. Further, no commenters objected to the committee's recommendation to delete the requirement in form DV-100 that the petitioner seeking attorney's fees and costs file *Income and Expense Declaration* (form FL-150). Finally, the Judicial Council adopted the committee's recommended revisions to form DV-100, effective January 1, 2024, as required to implement AB 2369.

Based on the foregoing, and because the committee is recommending minor changes to rule 5.92 and form FL-300-INFO to correctly reflect the statute, the committee believes that these recommendations are therefore within the Judicial Council's purview to adopt without circulation. (See Cal. Rules of Court, rule 10.22(d)(2).)

**Responsive Declaration to Request for Order (*form FL-320*) and Information Sheet:
Responsive Declaration to Request for Order (*form FL-320-INFO*)**

The committee received no comments about the changes to these forms and recommends the revisions as proposed in the invitation to comment.

Alternatives considered

Many of the proposed revisions are required by statutory changes, so the committee did not consider the alternative of no action.

As stated above, one commenter suggested that the committee recommend a separate set of forms that would be used by the protected party only. The committee did not adopt this approach but will monitor implementation and determine whether recommendations in the future are needed. Another commenter suggested creating a separate set of forms for

terminating the restraining order. The committee did not adopt this approach, as other protective order form sets combine the request to modify or terminate into one set of forms (e.g., the CH-600 series for civil harassment). The committee will monitor implementation of the DV-300 series to determine whether a different approach for the DV form set is needed.

The committee also considered utilizing existing continuance forms (DV-115, DV-116, DV-715, and DV-716) instead of proposing new continuance forms (DV-315 and DV-316). However, the committee rejected this approach because creating a form that would work for multiple processes would make the forms more complicated, with more options to choose from. Instead, the committee decided that a separate continuance form set for this new process would be more user-friendly.

Fiscal and Operational Impacts

Commenting courts noted that resources would be needed to provide training, revise internal procedures, and update form packets and case management systems. One court indicated that six months for implementation might be needed to update guided interviews (programs available online to help litigants complete court forms). The committee does not recommend delaying implementation as the law requires that the new forms be available no later than January 1, 2025.

Attachments and Links

1. Cal. Rules of Court, rule 5.92, at pages 12–13
2. Forms DV-105(A), DV-300, DV-300-INFO, DV-305, DV-310, DV-315, DV-316, DV-320, DV-325, DV-330, DV-400, DV-400-INFO, FL-300, FL-300-INFO, FL-320, and FL-320-INFO, at pages 14–62
3. Chart of comments, at pages 63–83
4. Link A: Sen. Bill 459 (Stats. 2023, ch. 874),
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB459

Rule 5.92 of the California Rules of Court is amended, effective January 1, 2025, to read:

1 **Rule 5.92. Request for court order; responsive declaration**

2
3 **(a) Application**

4
5 (1) In a family law proceeding under the Family Code:

6
7 (A) The term “request for order” has the same meaning as the terms
8 “motion” or “notice of motion” when they are used in the Code of Civil
9 Procedure;

10
11 (B) A *Request for Order* (form FL-300) must be used to ask for court
12 orders, unless another Judicial Council form has been adopted or
13 approved for the specific request; and

14
15 (C) A *Responsive Declaration to Request for Order* (form FL-320) must be
16 used to respond to the orders sought in form FL-300, unless another
17 Judicial Council form has been adopted or approved for the specific
18 purpose.

19
20 (2) In an action under the Domestic Violence Prevention Act, ~~a *Request for*~~
21 ~~*Order* (form FL-300) must be used to request a modification or termination~~
22 ~~of all orders made after a hearing on *Restraining Order After Hearing* (form~~
23 ~~*DV-130*);:~~

24
25 (A) While the restraining order in a *Restraining Order After Hearing*
26 *(Order of Protection)* (form DV-130) is still in effect, *Request to*
27 *Change or End Restraining Order* (form DV-300) must be used to ask
28 that the court modify or terminate the orders granted in form DV-130,
29 including any orders for child custody, child support, spousal or
30 domestic partner support, property, or other orders.

31
32 (B) After the restraining order in a *Restraining Order After Hearing (Order*
33 *of Protection)* (form DV-130) expires, *Request for Order* (form
34 FL-300) must be used to ask that the court modify or terminate any
35 orders in form DV-130 that remain in effect, such as child custody,
36 child support, spousal or domestic partner support, property, or other
37 orders.

38
39 (C) To respond to the request described in:

40
41 (i) Subdivision (a)(2)(A), *Response to Request to Change or End*
42 *Restraining Order* (form DV-320) must be used.

43

1 (ii) Subdivision (a)(2)(B), Response to Request for Order (form
2 FL-320) must be used.

3
4 (3) In a case initiated in the juvenile dependency court, if the court granted
5 Juvenile Restraining Order After Hearing (form JV-255), the juvenile case
6 has been closed (dismissed), and the restraining order is still in effect:

7
8 (A) Request to Change or End Restraining Order (form DV-300) must be
9 used to ask that the court modify or terminate the order if it was granted
10 under the Domestic Violence Prevention Act.

11
12 (B) Request for Order (form FL-300) must be used to ask that the court
13 modify or terminate the order if it was granted under the Code of Civil
14 Procedure.

15
16 (C) To respond to the request described in:

17
18 (i) Subdivision (a)(3)(A), Response to Request to Change or End
19 Restraining Order (form DV-320) must be used.

20
21 (ii) Subdivision (a)(3)(B), Response to Request for Order (form
22 FL-320) must be used.

23
24 ~~(3)~~ (4) * * *

25
26 **(b) Request for order; required forms and filing procedure**

27
28 (1) The *Request for Order* (form FL-300) must set forth facts sufficient to notify
29 the other party of the moving party's contentions in support of the relief
30 requested.

31
32 (2) Except in actions under Family Code section 6344, in which a party seeks an
33 order for attorney's fees and costs, when a party seeks orders for spousal or
34 domestic partner support, attorney's fees and costs, or other orders relating to
35 the parties' property or finances:

36
37 (A) The party must complete an *Income and Expense Declaration* (form
38 FL-150) and file it with the *Request for Order* (form FL-300); and

39
40 (B) * * *

41
42 **(c)-(g)** * * *

43

DV-105(A) City and State Where Children Lived

Case Number: _____

- 1** This form is attached to (check one):
- DV-105 (For person in **1**): Use this form if you have children that have not lived together for the last five years.)
 - DV-125 (For person in **2**): Use this form to list where your children have lived for the last five years.)
 - DV-305 (Use this form if you have children who have not lived together for the last five years.)
 - DV-325 (Use this form to list where your children have lived for the last five years.)

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

a. Name of child or children: _____

b. <u>Dates (month/year)</u>	<u>City and State</u> <i>(include tribal land, if applies)</i>	<u>Children lived with (check all that apply):</u>		
		<u>Person in 1</u>	<u>Person in 2</u>	<u>Other (relationship to child)</u>
From: _____ To present	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Check here if this address is private (confidential). 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"/>

3 List another child or children who have not lived with the child or children listed above. List where they have lived for the last five years. Start with their current location.

a. Name of child or children: _____

b. <u>Dates (month/year)</u>	<u>City and State</u> <i>(include tribal land, if applies)</i>	<u>Children lived with (check all that apply):</u>		
		<u>Person in 1</u>	<u>Person in 2</u>	<u>Other (relationship to child)</u>
From: _____ To present	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Check here if this address is private (confidential). 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"/>

Check here to list other children with a different residence history than the children you've already listed. Use another form DV-105(A) and attach it to this form.

This is not a Court Order.

Clerk stamps date here when form is filed.

New Draft
6.28.24
Draft Not approved by
the Judicial Council

Instructions

Use this form to ask a judge to change or end a domestic violence restraining order (form DV-130) that is still in effect (not expired). You can also use this form to ask to change or end a juvenile restraining order (form JV-255) based on domestic violence, if the juvenile case has been closed. For more information on this process, read form [DV-300-INFO](#), *How Do I Ask to Change or End a Domestic Violence Restraining Order?* Do not use this form to ask to change or end orders made in a separate family law case (a case with a different case number than your restraining order). For more information, read form [FL-300-INFO](#), *Information Sheet for Request for Order*.

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:**1 Your Information**

a. Name: _____

b. Who are you in this case? (Check one):

 Protected person Restrained person

c. Is this your first request to change or end the restraining order?

 Yes No (How many times have you made a request?): _____
d. **!** Address where you can receive court papers

(This address will be used by the court and the other party to send you official court dates, orders, and papers. You may use another address like a post office box, a Safe at Home address, or another person's address, if you have their permission and can get your mail regularly. If you have a lawyer, give their information.)

Address: _____

City: _____ State: _____ Zip: _____

e. **!** Your contact information (optional)

(The court could use this information to contact you. If you don't want the other party to have this information, leave it blank or provide a safe phone number or email address. If you have a lawyer, give their information.)

Telephone: _____ Email Address: _____ Fax: _____

f. Your lawyer's information (if you have one)

Name: _____ State Bar No.: _____

Firm Name: _____

2 Information About Your Case

a. The other party in this case is (full name): _____

b. The current order expires on (date): _____

(Attach a copy of the current restraining order (form DV-130, DV-330, DV-730, or JV-255).)**This is not a Court Order.**

3 Request

- a. I ask the judge to end all the orders granted in the restraining order (form DV-130, DV-330, or JV-255).
- b. I ask the judge to change or end some of the orders in the restraining order (form DV-130, DV-330, or JV-255).

(If you checked b, complete section below)

(1) Describe the changes that you want the judge to make to the restraining order

(For example, you can identify the order by name (stay-away order) and say "I ask for the stay-away order to be changed to ...")

(2) Do you want the judge to change orders for child custody or visitation?

- Does not apply to my case. I do not have a child with the other party in this case.
- No.
- Yes. (If yes, you must complete form DV-305 and attach it to this form.)

This is not a Court Order.



3 b. (3) **Do you want to add people to, or remove people from, the restraining order?**
(listed on form DV-130, item 3, or JV-255, item 3)

- No
- Yes (complete section below)

<u>Full name</u>	<u>Age</u>	<u>Relationship to you</u>	<u>Lives with you?</u>	<u>Request to:</u>
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Add <input type="checkbox"/> Remove
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Add <input type="checkbox"/> Remove
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Add <input type="checkbox"/> Remove
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Add <input type="checkbox"/> Remove

Check this box if you need to list more people. Use a separate piece of paper and write "DV-300, Other Protected people" at the top. Turn it in with this form.

Explain why the people listed above should be added or removed.

(4) Do you want the judge to change the restraining order immediately?

(Usually, a judge makes a decision at a court hearing, when both sides have a chance to speak and give evidence. In some situations, a judge may make orders immediately (1) if you are the protected party and temporary orders are needed for more protection, (2) to prevent immediate harm to a child in this case, or (3) if there is an immediate risk that a child in this case will be taken out of California. If you are the restrained party, the judge cannot end or change the restraining order before the protected party has been properly served with this request and there has been a court hearing on your request.)

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

Describe the orders you are asking the judge to make immediately.

Explain why you need orders immediately.

This is not a Court Order.



4 Reason for Request

In this section, explain why you are asking the judge to change or end the orders.

Check here if there is not enough space for your answer. Attach a sheet of paper and write “Attachment 5, Reasons for Request” for a title.

5 Extend My Deadline to Give Notice to the Other Party

(Usually, the judge will give you about three weeks to serve the other party with your request. If you need more time to serve the other party, the judge may be able to give you more time.)

I ask the judge to give me more time to serve the other party because *(explain why you need more time)*:

6 Lawyer’s Fees and Costs

I ask that the other party pay for some or all of my lawyer’s fees and costs.

7 Additional Pages

a. How many additional pages are you attaching to this five-page form? _____

b. Which forms are you attaching to this order? *(Check at least one)*:

DV-130 DV-330 DV-730 JV-255 Other: _____

This is not a Court Order.



8 Your Signature

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

Type or print your name

*Sign your name***9 Your Lawyer's Signature** *(if you have one)*

Date: _____

Lawyer's name

*Lawyer's signature***Your Next Steps**

- After you complete this form, complete items 1 and 2 of form [DV-310](#), *Notice of Court Hearing and Temporary Order to Change or End Restraining Order*.
- File this form and form DV-310 with the court clerk. **You must do this before your restraining order expires.**
- Once you get your forms back from the court, follow the judge's orders on how to serve the other side (look at form DV-310, item 5). Have an adult (not you or anyone protected by the restraining order) serve the other side with a copy of your forms. You can also ask the sheriff to personally serve the papers, and they will do this for free. See form SER-001, *Request for Sheriff to Serve Court Papers*. Learn more about service at www.selfhelp.courts.ca.gov/DV-restraining-order/change-end/serve-request.
- After the other side has been served, have the person who served your papers complete a form and file the completed form with the court:
 - If the papers were personally served, have your server complete form [DV-200](#), *Proof of Personal Service*.
 - If the papers were served by mail, have your server complete form [DV-250](#), *Proof of Service by Mail*.
- If you are asking to change child support or spousal support, you must also complete form [FL-150](#), *Income and Expense Declaration*. If you are only asking for child support, you may be eligible to fill out a simpler form, [FL-155](#), *Financial Statement (Simplified)*. Read form [DV-570](#) to see if you are eligible. Before your court date, turn in your completed form to the court and serve a copy on the other party.

This is not a Court Order.

Who can make a request?

The protected person or the restrained person can ask the judge to change or end the restraining order. Other people protected by the restraining order (listed on form DV-130, item 3, or JV-255, item 3) cannot ask to change or end the order.

How do I ask to change or end a domestic violence restraining order?

You will need to complete court papers and file them with the court. After you file your court papers, you will get a court date and have the other party served. You must attend your court date for the judge to decide whether to grant your request. See page 3 for step-by-step instructions.

What if I want to renew my restraining order?

If you are the protected person, you can ask the court to renew your restraining order. You must make your request before your restraining order expires. For information on how to renew your restraining order, read form [DV-700-INFO](#), *How Do I Ask the Court to Renew My Restraining Order?*

What if my restraining order has expired?

If the Restraining Order After Hearing (form DV-130, DV-730, or JV-255) has expired, do not follow the steps on page 3.

- If you need another restraining order, you will need to make a new request. Read form [DV-505-INFO](#), *How to Ask for a Domestic Violence Restraining Order*.
- If the restraining order included child custody, visitation (parenting time), child support, spousal support, support for a domestic partner, or property orders, these orders remain in effect and can be changed by a judge. For information on how to ask to change these orders, read form [FL-300-INFO](#), *Information Sheet for Request for Order*.

Is there a court fee?

No. There is no court fee.

How do I end or change a temporary restraining order?

If you have a temporary restraining order (form DV-110 or DV-116) and you want to change or end the order, a lawyer or the court's self-help center may be able to help you. Do not use this process to change or end a temporary restraining order.

What if I want to change or end a juvenile restraining order?

If you have a restraining order based on domestic violence that was granted by a juvenile dependency court (form JV-255), and the juvenile case has been closed (dismissed), follow the steps on page 3 to ask to change or end the juvenile restraining order.

- If your juvenile case is still open, talk to your lawyer about how to change or end the restraining order.
- If you have a juvenile restraining order that was granted in a juvenile justice (delinquency) case (form JV-265), ask your lawyer or the prosecutor about how to change or end the restraining order.

What if I want the judge to grant an order that was not included in the Restraining Order After Hearing?

The judge may be able to grant the order if it is needed for more protection. Follow the steps on page 3 to make the request. You will need to describe the orders you want and explain why they are needed.

When will my restraining order change or end?

Only the court has the power to change or end the restraining order. The restraining order remains in effect and must be followed until a judge changes or ends the order.



What orders can I ask to change or end?

You can ask to change or end any order granted in a Restraining Order After Hearing, except for orders related to firearms, ammunition, or body armor. The judge cannot remove the restriction on having firearms, ammunition, or body armor. If you need to carry a firearm for your job, the judge may grant you a limited exception but there are strict requirements. Ask a lawyer or your court self-help center for more information.

What if I want to change child custody orders?

- If child custody orders were made through your restraining order, you can use this process to change these orders. Follow the steps on page 3.
- If custody or visitation orders were made in a separate family law case, do not follow the steps on page 3 of this form; read form [FL-300-INFO](#), *Information Sheet for Request for Order*.

Note that a special law applies to child custody orders when there has been domestic violence. For more information, go to www.selfhelp.courts.ca.gov/domestic-violence-child-custody.

If I ask to end the restraining order, what will happen to the child custody, visitation, support, or property orders?

If a judge ends the restraining order, any child custody, visitation (parenting time), child support, spousal support, support for a domestic partner, or property orders will remain in effect, unless the court also changes or ends those orders.

Where can I find a self-help center?

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. 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 need an interpreter?

You may use form [INT-300](#) to request an interpreter or ask the clerk how you can request one.

What if I have a disability and need an accommodation?

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

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 or call 1-800-799-7233 or 1-800-787-3224 (TTY).

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 can help you keep your address private. To learn more about the program, go to www.sos.ca.gov/registries/safe-home. Note that it may take several weeks to be approved.



Steps to make a request

① Complete court forms:

- Form [DV-300](#), *Request to Change or End Restraining Order*; and
- Form [DV-310](#), *Notice of Court Hearing and Temporary Order to Change or End Restraining Order* (items 1 and 2 only).
- If you are asking to change child custody and visitation orders, you must complete form [DV-305](#), *Request to Change Child Custody and Visitation Orders*.

② File forms with court

File all forms with the court clerk. Make sure you include a copy of your current Restraining Order After Hearing with form DV-300. You can file in person or electronically. For more information on how or where to file, go to the court's website. To find the the court's website, go to www.selfhelp.courts.ca.gov/find.

③ Get your papers back from the court

Once you get your papers back from the court, you will have a court date (see form DV-310). If you asked for any temporary orders, look at form DV-310 to see if the judge granted or denied that request. Make sure you get at least two copies back: one for you and one to have served on the other party. If you filed your papers electronically, the court will give the papers back to you electronically, unless you asked to pick them up or receive them by mail.

④ Have the other party served with papers

- **If you are the restrained person**, you must have the protected person personally served. This means you must have an adult personally give a copy of all the court papers (listed on form DV-310, item 4c) to the protected person. It cannot be you or anyone listed on the restraining order. Your server must then complete a proof of service ([form DV-200](#)). Make a copy of the completed form DV-200 and file it with the court. If you cannot have the protected person personally served, contact a lawyer or self-help center for other options.
- **If you are the protected person**, you can serve the restrained person by mail. This means you must have an adult mail a copy of all the court papers (listed on form DV-310, item 4c) to the restrained party. It cannot be you or anyone listed on the restraining order. Your server must then complete a proof of service ([form DV-250](#)). Make a copy of the completed form DV-250 and file it with the court.

If you can't serve the other side before your court hearing, you will need to ask the judge to reschedule your court hearing. Fill out and file forms [DV-315](#) and [DV-316](#). The judge will review your request and decide whether to reschedule your court hearing. If you do not receive a signed copy of form DV-316 from the judge before your court date or the judge denied your request to reschedule your hearing, you *must* attend your court date (listed on form DV-310 or DV-316) if you still want to move forward with your request.

⑤ Get ready for and attend your court hearing

At your court hearing, the judge will decide whether to grant your request to change or end the restraining order. At the hearing, you and the other side will have the opportunity to tell your side of the story. Bring any evidence or witnesses you have. If you don't want to attend your court hearing in person, go to the court's website to find out more information about attending by phone or videoconference.

DV-305

Request to Change Child Custody and Visitation Orders

Case Number: _____

(Use this form to ask the judge to change child custody or visitation orders that were made through a domestic violence restraining order.)

This form is attached to form DV-300.

1 Protected Party

Name: _____

Relationship to children: Parent Legal Guardian Other (describe): _____

2 Restrained Party

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-305, 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 (If yes, complete b, below.)

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

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

<u>Dates (month/year)</u>	<u>City and state</u> <i>(include tribal land, if applies)</i>	<u>Children lived with (check all that apply):</u>		
		<u>Person in 1</u>	<u>Person in 2</u>	<u>Other (relationship to child)</u>
From: _____ To present	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
		<input type="checkbox"/> Check here if this address is private (confidential). 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"/> _____

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. If there is another parent or legal guardian besides the persons in ① and ②, list their information below.

Name: _____ Parent Legal Guardian

6 Request to Change Orders

I ask the judge to change or end some of the child custody or visitation orders.
(Check all the orders that you want the judge to make.)

- a. No Travel With Children Without Permission
- (1) End this order
 - (2) Change this order *(explain how you want it changed):*

- b. Stop Access to Children’s School, Health, or Other Information
- (1) End this order
 - (2) Change this order *(explain how you want it changed):*

This is not a Court Order.



6 c. Order to Prevent Child Abduction (any order made on form DV-145)

(1) End this order

(2) Change this order (explain how you want it changed):

Four horizontal lines for writing an explanation of how to change the order.

d. Child Custody

(There are two types of custody: legal and physical. A person with legal custody makes decisions about the child's health, education, and welfare. A person with physical custody lives with the child regularly. For both types of custody, parents can share custody (joint) or one parent can have full custody (sole). Complete the section below if you want the judge to change child custody orders.)

I ask the judge to change custody orders to (check the orders that you want the judge to make):

Legal custody (check one):

- Sole to person in 1
 Sole to person in 2
 Jointly (shared) by persons in 1 and 2
 Other (describe):

Physical custody (check one):

- Sole to person in 1
 Sole to person in 2
 Jointly (shared) by persons in 1 and 2
 Other (describe):

Horizontal line for legal custody description.

Horizontal line for physical custody description.

e. Visitation (Parenting Time) Order

I ask the judge to change the visitation (parenting time) order to (explain how you want the order changed):

Multiple horizontal lines for writing an explanation of how to change the visitation order.

This is not a Court Order.



6 f. Other Orders

List any orders for child custody or visitation you want to change or end.

- (1) _____ End order Change order*
- (2) _____ End order Change order*

*Explain how you want these orders changed:

Check here if there is not enough space for your answer. Attach a sheet of paper and write "Attachment 6f, Other Orders" for a title.

7 Reason for Request to Change Child Custody or Visitation Order

Explain why you want the orders changed:

Check here if there is not enough space for your answer. Attach a sheet of paper and write "Attachment 7, Reason for Request to Change Child Custody or Visitation Order" for a title.

This is not a Court Order.

**Notice of Court Hearing and
Temporary Order to Change or End
Restraining Order**

Clerk stamps date here when form is filed.

6.3.24- Draft
Not approved by the
Judicial Council

Instructions: The person making the request must complete items ① and ②.
The court will complete the rest of this form.

① **Protected Party**

Name: _____

② **Restrained Party**

Name: _____

③ **Notice of Hearing**

A court hearing is scheduled on the request to change or end a domestic violence restraining order:

Fill in court name and street address:

Superior Court of California, County of _____

Fill in case number:

Case Number: _____

The current restraining order remains in full force and effect. If the court granted temporary orders in ④ those orders and all nonconflicting orders must be followed until the court hearing below:



Date: _____ Time: _____
Dept.: _____ Room: _____

Name and address of court if different from above: _____

You may attend your court date remotely, such as by phone or videoconference. For more information, go to the court's website for the county listed above. To find the court's website, go to www.courts.ca.gov/find-my-court.htm.

④ **Court's Decision on Request for Temporary Orders**

a. **Denied.** Reasons for denial: _____

b. **Granted.**

(1) The temporary orders listed below in b(2) *(check all that apply)*:

- Have been requested by the protected party and are needed to prevent domestic violence.
- Are needed to help prevent (1) irreparable harm to a child in this case or (2) a child from being removed from California.

(2) **Temporary Orders**

The following temporary orders remain in full force and effect until the hearing listed in ③:

Temporary orders listed on *(give form number or name of attachment)*: _____

This is a Court Order.



5 Service

a. Protected person Restrained person must have the other party served with a copy of all the forms listed in **5**d by:

b. (date of deadline): _____

c. (1) This order can be served by mail because it is a request by the protected person and does not include temporary orders.

(2) This order must be personally served because it is a request by the restrained person.

(3) This order must be personally served because the court has granted temporary orders.

d. Forms to serve:

- DV-300, *Request to Change or End Restraining Order*;

- DV-310, *Notice of Court Hearing and Temporary Order to Change or End Restraining Order* (this form); and

- DV-320, *Response to Request to Change or End Restraining Order* (leave blank).

6 No Fee to Serve (Notify) Order

The sheriff or marshal will serve this order for free. If you want the sheriff to serve your papers, (1) complete form [SER-001](#), *Request for Sheriff to Serve Court Papers*, and (2) give the completed form and a copy of this order to the sheriff.

7 Attached Pages

All of the attached pages are part of this order.

a. Number of pages attached to this three-page form: _____

b. Attachments include forms (*check all that apply*):

DV-140 DV-145 Other: _____

Judge's Signature

Date: _____

Judge or Judicial Officer

This is a Court Order.



To Person in 2

- **Respond in writing (optional):** You can respond in writing by completing form [DV-320](#), *Response to Request to Change or End Restraining Order*. File the original with the court, and have someone 18 or over—**not you**—mail a copy of it to the other party before the hearing. Also file form [DV-250](#), *Proof of Service by Mail*, with the court before the hearing, and bring a copy to the court hearing.
- **At the hearing:** Whether or not you respond in writing, attend the hearing if you want the judge to hear from you before making a decision. At the hearing, tell the judge why you agree or disagree with the request. Bring any evidence or witnesses you have.



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 for *Disability Accommodation Request* (form [MC-410](#)). (Civil Code section 54.8.)

(Clerk will fill out this part.)

Instructions to Clerk: If the court made temporary orders in ④, the court must enter this order into CLETS or send this order to law enforcement to enter into CLETS. This must be done within one business day from the day the order is made. You must give up to three free (certified, stamped, and endorsed) copies of this order to the protected party.

Clerk’s Certificate
[seal]

—Clerk’s Certificate—

I certify that this *Notice of Court Hearing and Temporary Order to Change or End Restraining Order* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

Clerk stamps date here when form is filed.

7.23.24
Draft-Not approved by
the Judicial Council

Instructions

Either party may use this form to ask the court to reschedule the hearing (court date) listed on form DV-310, *Notice of Court Hearing and Temporary Order to Change or End Restraining Order*.

1 Your Information

a. Name: _____

Fill in court name and street address:

b. Who are you in this case?

Superior Court of California, County of

Protected party (*skip to 2*).

Restrained party (*give your contact information below*).

! Address where you can receive court papers

(This address will be used by the court and by the other party to send you official court dates, orders, and papers. For privacy, you may use another address like a post office box, a Safe at Home address, or another person's address, if you have their permission and can get your mail regularly. If you have a lawyer, give their information.)

Fill in case number:

Case Number:

Address: _____

City: _____ State: _____ Zip: _____

! Your contact information (*optional*)

(The court could use this information to contact you. If you don't want the other party to have this information, leave it blank or provide a safe phone number or email address. If you have a lawyer, give their information.)

Telephone: _____ Fax: _____

Email Address: _____

Your lawyer's information (*if you have one*)

Name: _____ State Bar No.: _____

Firm Name: _____

2 Information About Your Case

a. The other party in this case is (*full name*): _____

b. The court date is currently scheduled for (*date*): _____

This is not a Court Order.

3 Why does your court date need to be rescheduled?

- a. I need more time to have the other party served.
- b. Other reason:

4 Your Signature

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

Type or print your name



Sign your name

5 Your Lawyer's Signature (if you have one)

Date: _____

Lawyer's name



Lawyer's signature

Your Next Steps

- Complete form [DV-316](#), *Order to Reschedule Hearing to Change or End Restraining Order* (only items 1 and 2).
- File this form and form DV-316 with the court. A judge will review your forms and decide whether to reschedule your court date.
- If the judge grants your request to reschedule your court date, you must have someone serve a copy of this form, and any other form that the judge ordered you to serve (see form DV-316, item 5). Any adult who is not involved in the case can serve your papers. You can also ask the sheriff or marshal to serve your papers and they will do so for free. See form [SER-001](#), *Request for Sheriff to Serve Court Papers*. For more information, go to selfhelp.courts.ca.gov/DV-restraining-order/change-end/serve-request.
- If the judge denies your request to reschedule, you must attend your court hearing (listed on form DV-310). For information on how to prepare for your court date, go to selfhelp.courts.ca.gov/DV-restraining-order/change-end/court.

This is not a Court Order.

Clerk stamps date here when form is filed.

6.28.24

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the Judicial Council

Instructions: Complete ① and ② only. The court will complete the rest of this form.

① **Protected Party:** _____

② **Restrained Party:** _____

③ **Next Court Date**

a. **Denied.** The request to reschedule the court date is denied.

(1) Your court date is: _____

(2) The Restraining Order After Hearing and any temporary orders made on form DV-310, *Notice of Court Hearing and Temporary Order to Change or End Restraining Order*, remain in full force and effect.

(3) Your court date is not rescheduled because:

b. **Granted.** The request to reschedule the court date is granted. Your court date is rescheduled for the date and time listed below.

The Restraining Order After Hearing and any temporary orders (form DV-310) stay in effect until the hearing date below or the original expiration date, whichever is later. See ④–⑦ for more information.



Date: _____ Time: _____
Dept.: _____ Room: _____

Name and address of court, if different from above:

Fill in court name and street address:

Superior Court of California, County of _____

Fill in case number:

Case Number: _____

This is a Court Order.



4 Reason Court Date Is Rescheduled

a. The party asking to change or end the restraining order has not served the other party.

b. Other reason:

5 Serving (Giving) Order to Other Party

The request to reschedule was made by the:

a. **Protected party**

b. **Restrained party**

c. **Court**

(1) You do not have to serve the restrained party because they were or their lawyer was at the court date or agreed to reschedule the court date.

(1) You do not have to serve the protected party because they were or their lawyer was at the court date or agreed to reschedule the court date.

(1) Further notice is not required.

(2) You must have the restrained party personally served with a copy of this order and all forms listed on form DV-310, item 5 by (date): _____

(2) You must have the protected party personally served with a copy of this order and all forms listed on form DV-310, item 5 by (date): _____

(2) The court will mail a copy of this order to all parties by (date): _____

(3) You must have the restrained party served with a copy of this order. This can be done by mail. You must serve by (date): _____

(3) The court has found good cause to allow you to serve the protected party by: (describe service method that is reasonably designed to give protected party actual notice): _____

(3) Other: _____

(4) Other: _____

This is a Court Order.



6 No Fee to Serve

The sheriff or marshal will serve this order for free. If you want the sheriff to serve your papers, (1) complete form [SER-001](#), *Request for Sheriff to Serve Court Papers*, and (2) give form SER-001 and a copy of this order to the sheriff.

7 Other Orders

8 Attached Pages (*All of the attached pages are part of this order.*)

a. Number of pages attached to this three-page form: _____

b. Attachments include forms (*check all that apply*):

DV-310 DV-820 Other: _____

Judge's Signature

Date: _____

Judge or Judicial Officer



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 for *Disability Accommodation Request* (form [MC-410](#)). (Civil Code section 54.8.)

(Clerk will fill out this part.)

Instructions to Clerk: If the court rescheduled the court date and granted temporary orders on item **4** on form DV-310, the court must enter this order into CLETS or send this order to law enforcement to enter into CLETS. This must be done within one business day from the day the order is made. You must give up to three free (certified, stamped, and endorsed) copies of this order to the protected party.

—Clerk's Certificate—

Clerk's Certificate

[seal]

I certify that this *Order to Reschedule Hearing to Change or End Restraining Order* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by: _____, Deputy

This is a Court Order.

Clerk stamps date here when form is filed.

7.2.24

Draft- Not approved by
the Judicial Council

Use this form if someone has asked to change or end a restraining order, and you want to respond in writing. You will need a copy of form DV-300, *Request to Change or End Restraining Order*, that was filled out by the other party in your case. There is no cost to file this form with the court.

1 Your Name: _____**Who are you in this case? (Check one):**
 Protected person Restrained person
! Address where you can receive court papers

(This address will be used by the court and by the other party to send you official court dates, orders, and papers. For privacy, you may use another address like a post office box, a Safe at Home address, or another person's address, if you have their permission and can get your mail regularly. If you have a lawyer, give their information.)

Address: _____

City: _____ State: _____ Zip: _____

! Your contact information (optional)

(The court could use this information to contact you. If you don't want the other party to have this information, leave it blank or provide a safe phone number or email address. If you have a lawyer, give their information.)

Email Address: _____ Telephone: _____ Fax: _____

Your lawyer's information (if you have one)

Name: _____ State Bar No.: _____

Firm Name: _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:**2 Name of Other Party:** _____**3 Your Hearing Date (Court Date)**

Your hearing date is listed on form DV-310, *Notice of Court Hearing and Temporary Order to Change or End Restraining Order*. If you do not agree with the request, attend your hearing date. If you do not attend your hearing, the judge could grant the other party's request to change or end the restraining order.

This is not a Court Order.

4 Your Response

(Look at form DV-300, completed by the other party. Go to item 3 (pages 2–3) to see which orders the other party wants the judge to change or end.)

(Check one)

- a. I agree to the request to change or end the restraining order.
- b. I do not agree to the request to change or end the restraining order. *(Complete section below)*

(1) Explain which items you do not agree with. If there is another change to the restraining order that you would agree to, describe the change that you would agree to.

(2) If the other party asked to change **child custody or visitation orders** (see form DV-305), answer the question below.

Do you agree with the other party’s request to change child custody or visitation orders?

- Yes, I agree to all the orders requested.
- No, I do not agree to the orders requested. *(Complete form DV-325, Response to Request to Change Child Custody and Visitation Orders, and attach it to this form.)*

5 Reasons For Your Response *(optional)*

(In the section below, explain why you agree or disagree with the request to change or end the restraining order.)

This is not a Court Order.



6 **Lawyer's Fees and Costs**

(Complete this item if the other party asked for lawyer's fees and costs or if you are asking for these fees.)

- a. I agree to the order requested.
- b. I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: _____

- c. Check here if you want the other party to pay for some or all of your lawyer's fees and costs.

7 **Additional Pages**

Number of pages attached to this three-page form, if any: _____

8 **Your Signature**

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

Type or print your name



Sign your name

9 **Your Lawyer's Signature** *(if you have one)*

Date: _____

Lawyer's name



Lawyer's signature

Your Next Steps

- Turn in your completed form to the court.
- If the other party asked to change or end child support or spousal support orders, or asked for lawyer's fees, you must complete form [FL-150, Income and Expense Declaration](#).
- Have someone else (not you) mail the person in **1** a copy of your forms, and complete form [DV-250, Proof of Service by Mail](#). File form DV-250 with the court. (The person who mails your forms must be at least 18 years old and cannot be you or someone protected on the restraining order.)
- Prepare for your court date by gathering evidence or witnesses, if you have any. Learn more at www.selfhelp.courts.ca.gov/DV-restraining-order/change-end/court.

This is not a Court Order.



DV-325

**Response to Request to Change
Child Custody and Visitation Orders**

Case Number: _____

How to complete this form: To answer the questions below, look at the form DV-305 filled out by the other party. If you need more space to complete your answer, you can use a separate piece of paper and attach it to this form. Include a title at the top of the paper (example: “DV-325, Custody of Children”).

This form is attached to form DV-320, *Response to Request to Change or End Restraining Order*.

1 Protected Party

- a. Name: _____
- b. Relationship to children: Parent Legal Guardian Other (*describe*): _____

2 Restrained Party

- a. Name: _____
- b. Relationship to children: Parent Legal Guardian Other (*describe*): _____

3 Children (see 3 on form DV-305)

- a. I am the parent of the child or children listed on form DV-305.
- b. I am **not** the parent of all the children listed on form DV-305.
- c. I am **not** the parent of the following children (*list names*):

- d. Other (*describe*): _____

4 City and State Where Children Lived (see 4 on form DV-305)

- a. I agree with the information given by the other party.
- b. I do not agree. (*Use form DV-105(A) to list where the children have lived.*)

5 History of Court Cases Involving Children (see 5 on form DV-305)

The other party may have listed other court cases involving your children. If information is incorrect or missing, use the space below to give information.

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

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

(If a judge has already made a custody or visitation order for children in this case, attach a copy of the order if you have one.)

This is not a Court Order.



- 6 **No Travel With Children Without Permission** (see 6a on form DV-305)
- a. I agree to the order requested.
 - b. I do not agree to the order requested because: _____
 - c. I would agree to a different order (describe the order you would agree to): _____

- 7 **Stop Access to Children's School, Health, and Other Information** (see 6b on form DV-305)
- a. I agree to the order requested.
 - b. I do not agree to the order requested because: _____
 - c. I would agree to a different order (describe the order you would agree to): _____

- 8 **Request for Orders to Prevent Child Abduction** (see 4–10 on form DV-108)
- a. I agree to the order requested.
 - b. I do not agree to the order requested because: _____
 - c. I would agree to a different order (describe the order you would agree to): _____

- 9 **Custody of Children** (see 6d on form DV-305)
- a. I agree to the order requested.
 - b. I do not agree to the order requested because: _____
 - c. I would agree to a different order:

Legal Custody (the person who makes decisions about the child's health, education, and welfare.)
(check one):

- Sole to person in 1
- Sole to person in 2
- Jointly (shared) by persons in 1 and 2.
- Other (describe): _____

Physical Custody (the person who the child regularly lives with.)
(check one):

- Sole to person in 1
- Sole to person in 2
- Jointly (shared) by persons in 1 and 2.
- Other (describe): _____

This is not a Court Order.



10 **Visitation (Parenting Time) with Children** (see 6e on form DV-305)

- a. I agree to the order requested.
- b. I do not agree to the order requested because: _____

- c. I would agree to a different order (complete section below):
Visitation for the (check one): person in 1 person in 2
should be (describe a schedule and give as much detail as you can):

11 **Other Orders** (see 6f on form DV-305)

- a. I agree to the order requested.
- b. I do not agree to the order requested because: _____

- c. I would agree to a different order (describe the order you would agree to):

12 The statements made on this form are made under penalty of perjury as declared on form DV-320.

This is not a Court Order.

Clerk stamps date here when form is filed.

7.2.24

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the Judicial Council

① **Protected Person** (*name*): _____

② **Restrained Person** (*name*): _____

③ **Request**

The request was made by the:

- a. protected person restrained person to:
- b. change the restraining order end the restraining order

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

④ **Court's Decision**

(*Check a or b*)

- a. The request to change the restraining order is:
 - (1) Granted. The court has changed the Restraining Order After Hearing. The new orders are listed on form DV-130, or JV-255, and attached to this form.
 - (2) Denied. The Restraining Order After Hearing issued on form DV-130 form JV-255 set to expire on (*date*): _____ remains in full force and effect.

- b. The request to end the restraining order is:
 - (1) Granted. The court has ended the Restraining Order After Hearing.
 - (A) Any child custody, visitation, and child support orders in the Restraining Order After Hearing. remain in effect. end with this order. were modified on (*date*): _____
 - (B) Spousal or domestic partner support orders in the Restraining Order After Hearing. remain in effect. end with this order. were modified on (*date*): _____
 - (2) Denied. The Restraining Order After Hearing issued on form DV-130 form JV-255 set to expire on (*date*): _____ remains in full force and effect.

- c. In making this order, the court has considered whether failure to make any of the orders requested might risk the safety of the person in ① or any children listed on form DV-105 or DV-305. If child or spousal support was requested, the court has considered whether failure to make support orders would risk the safety of the person in ① or any children listed on form DV-105 or DV-305.

This is a Court Order.



5 Hearing

- a. The hearing was on (date): _____ with (name of judicial officer): _____
- b. These people attended the hearing (check all that apply):
- The person in ①
 - The person in ②
 - The lawyer for the person in ① (name): _____
 - The lawyer for the person in ② (name): _____

6 Serving (Giving) Order to Other Party

The request to change or end the restraining order was made by the:

- | | | |
|---|---|--|
| <p>a. <input type="checkbox"/> Protected party</p> <p>(1) <input type="checkbox"/> You do not have to serve the restrained party because they were or their lawyer was at the court date or agreed to this order.</p> <p>(2) <input type="checkbox"/> You must have the restrained party personally served with a copy of this order by (date): _____</p> <p>(3) <input type="checkbox"/> You must have the restrained party served with a copy of this order. This can be done by mail. You must serve by (date): _____</p> <p>(4) <input type="checkbox"/> Other: _____

 _____</p> | <p>b. <input type="checkbox"/> Restrained party</p> <p>(1) <input type="checkbox"/> You do not have to serve the protected party because they were or their lawyer was at the court date or agreed to this order.</p> <p>(2) <input type="checkbox"/> You must have the protected party personally served with a copy of this order by (date): _____</p> <p>(3) <input type="checkbox"/> You must have the protected party served with a copy of this order. This can be done by mail. You must serve by (date): _____</p> <p>(4) <input type="checkbox"/> Other: _____

 _____</p> | <p>c. <input type="checkbox"/> Court</p> <p>(1) <input type="checkbox"/> Further notice is not required.</p> <p>(2) <input type="checkbox"/> The court will mail a copy of this order to all parties by (date): _____</p> <p>(3) <input type="checkbox"/> Other: _____

 _____</p> |
|---|---|--|

7 No Fee to Serve (Notify) Order

The sheriff or marshal will serve this order for free. If you want the sheriff to serve your papers, (1) complete form [SER-001](#), *Request for Sheriff to Serve Court Papers*, and (2) give the completed form and a copy of this order to the sheriff.

This is a Court Order.



8 **Lawyer's Fees and Costs**

The person in ___ must pay to the person in ___ the following amounts for:

Pay to: _____ For: _____ Amount: \$ _____ Due date: _____
 Pay to: _____ For: _____ Amount: \$ _____ Due date: _____

9 **Attached Pages**

All of the attached pages are part of this order.

a. Number of pages attached to this three-page form: _____

b. Attachments include forms (*check all that apply*):

- DV-130 DV-140 DV-145 FL-341(C) FL-342 FL-343
 JV-255 Other: _____

Judge's Signature

Date: _____

Judge or Judicial Officer

(Clerk will fill out this part.)

Instructions to Clerk: If the court granted the request to change or end the restraining order (if **4**a(1) or **4**b(1) is checked), the court must enter this order into CLETS or send this order to law enforcement to enter into CLETS. This must be done within one business day from the day the order is made. You must give up to three free (certified, stamped, and endorsed) copies of this order to the protected party.

—Clerk's Certificate—

Clerk's Certificate
[seal]

I certify that this *Order on Request to Change or End Restraining Order* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

Findings and Order to Terminate Restraining Order After Hearing

Clerk stamps date here when form is filed.

1.30.24-Draft
Not Approved by the Judicial Council

Complete only items 1 and 2. The remaining items are for court use.

1 Name of Protected Party: _____

2 Name of Restrained Party: _____

3 Court Findings (Fam. Code, § 6345 (a) & (d))

- a. The **Protected Party** filed the request to terminate the restraining orders in *Restraining Order After Hearing* (form DV-130). A proof of service (by mail or personal service) of the request on the Restrained Party is filed with the court.
- b. The **Restrained Party** filed the request to terminate restraining orders. The filed proof of service shows that the Protected Party received notice of the Request by:
 - 1. Personal service.
 - 2. Service on the Secretary of State (the Protected Person is registered in the Safe at Home Program).
 - 3. An alternative, court-ordered method of service that gives actual notice of the request and the hearing.
- c. The **Restrained Party** filed the request to terminate the restraining orders in form DV-130. The Protected Party was physically present in court on the hearing date, waived his or her right to notice and does not challenge the sufficiency of the notice.
- d. The **Protected Party** was physically present at the hearing and verified his or her identity.
- e. The **Protected Party and the Restrained Party** submitted a written stipulation (agreement) to terminate the restraining orders in *Restraining Order After Hearing* (form DV-130).
- f. Other (*specify*): _____

Fill in court name and street address:

Superior Court of California, County of _____

Court fills in case number when form is filed.

Case Number: _____

4 Court Orders

The protective orders in *Restraining Order After Hearing* (form DV-130) that were issued or modified on (date): _____ are terminated. This order is effective when made.

- a. Child custody, visitation (parenting time), and child support orders in *Restraining Order After Hearing* (form DV-130)
 - 1. Remain in effect.
 - 2. Have been modified on (date): _____
 - 3. Are also terminated.
- b. Spousal or domestic partner support orders in *Restraining Order After Hearing* (form DV-130)
 - 1. Remain in effect.
 - 2. Have been modified on (date): _____
 - 3. Are also terminated.
- c. Unless modified or terminated by court order, any existing orders for child custody, child visitation (parenting time), child support, and spousal or partner support made in a Domestic Violence Prevention Act case after a noticed hearing survive the termination of the protective order, and remain in effect. Family Code sections 6340(a), 6345(b).
- d. This order does not modify or terminate any existing criminal, juvenile, or probate court orders.

This is a Court Order.



5 **Hearings**

- a. The hearing was on *(date)*: _____ with *(name of judicial officer)*: _____
- b. These people were at the hearing *(check all that apply)*:

<input type="checkbox"/> The Protected Party	<input type="checkbox"/> Protected Party's lawyer <i>(name)</i> : _____
<input type="checkbox"/> The Restrained Party	<input type="checkbox"/> Restrained Party's lawyer <i>(name)</i> : _____
<input type="checkbox"/> Other <i>(name)</i> : _____	<input type="checkbox"/> Lawyer <i>(name)</i> : _____
<input type="checkbox"/> Other <i>(name)</i> : _____	<input type="checkbox"/> Lawyer <i>(name)</i> : _____

6 **CLETS Entry**

The court or its designee will transmit this form within one business day to law enforcement personnel for entry into the California Restraining and Protective Orders System via CLETS.

7 **Service of this Order**

- a. The **Protected Party** and the **Restrained Party** were at the hearing or agreed in writing to this order. No other proof of service is needed.
- b. The **Protected Party** (party who asked for the order) was at the hearing. The **Restrained Party** was not. Someone 18 or over—not anyone else protected or restrained by the restraining order—must personally “serve” the Restrained Party with a filed copy of this order.
- c. The **Restrained Party** (party who asked for the order) was at the hearing. The **Protected Party** was not. Someone 18 or over—not anyone else protected or restrained by the restraining order—must personally “serve” the Protected Party with a filed copy of this order.
- d. Other *(specify)*: _____

Date: _____

Judge (or Judicial Officer)

REVOKE

(Clerk will fill out this part.)
—Clerk's Certificate—

Clerk's Certificate
[seal]

I certify that this *Findings and Order to Terminate Restraining Order After Hearing* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

DV-400-INFO**How Do I Ask to Change or End a Domestic Violence Restraining Order After Hearing?**

- 1 Who can ask the court to change or end the Restraining Order After Hearing?**
- The Protected Party or the Restrained Party can ask to modify (change) or terminate (end) the restraining orders issued in *Restraining Order After Hearing* ([form DV-130](#)) before the orders expire.
 - Do not use form FL-300 to ask to renew the restraining orders in form DV-130 before they expire. Use *Request to Renew Restraining Order* ([form DV-700](#)).
- 2 What orders can be changed or ended?**
- A party may ask the court to change or end any of the orders made on form DV-130, including:
- The restraining orders that protect persons from violence or threat of violence by others (for example, the no contact, stay-away, move out, recording of unlawful communication orders);
 - The list of persons protected by the orders;
 - Child custody, child visitation (parenting time), or child support orders; and
 - Spousal or domestic partner support orders.
- 3 If I ask to end the restraining order, can I keep child custody, visitation, or support orders?**
- If the restraining order ends, any child custody, visitation (parenting time) support, or spousal or domestic partnership orders will remain in effect, unless the court also changes or ends those orders.
- 4 What if the Restrained Party wants to change or end the restraining orders?**
- A restrained party must not violate the restraining order to contact the protected party. There are strict requirements if the restrained party asks the court to change or end the orders as described in this form.
- 5 What forms do I fill out to ask to change or end the Restraining Order After Hearing?**
- To ask for an order to change or end your *Restraining Order After Hearing* (form DV-130):
 - Fill out [form FL-300](#), *Request for Order*.
 - To ask to change the child custody or visitation (parenting time) orders, you may need some of these forms:
 - [FL-105](#), *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act*
 - [FL-311](#), *Child Custody and Visitation (Parenting Time) Application Attachment*
 - [FL-312](#), *Request for Child Abduction Prevention Orders*
 - [FL-341\(C\)](#), *Children's Holiday Schedule Attachment*
 - [FL-341\(D\)](#), *Additional Provisions—Physical Custody Attachment*
 - [FL-341\(E\)](#), *Joint Legal Custody Attachment*
 - To ask the court to change the child support orders made in form DV-130, you need:
 - A current [form FL-150](#), *Income and Expense Declaration*. You may use [form FL-155](#), *Financial Statement (Simplified)*, instead of form FL-150 if you meet the requirements listed on page 2 of form FL-155.
 - To ask the court to change the spousal or partner support orders (or orders about your finances), you need:
 - A current [form FL-150](#), *Income and Expense Declaration*
 - To ask the court to make orders for attorney's fees and costs, you need:
 - A current [form FL-150](#), *Income and Expense Declaration*
 - [FL-319](#), *Request for Attorney's Fees and Costs Attachment* (or provide the information in a declaration)
 - [FL-158](#), *Supporting Declaration for Attorney's Fees and Costs* (or provide the information in a declaration)
 - If you plan on having witnesses testify at the hearing, you will need:
 - [FL-321](#), *Witness List*
 - Additional forms you may need are described on pages 3 and 4 of this information sheet.
- 6 What if I want to respond to a request to change or end the Restraining Order?**
- Complete, file, and serve [form FL-320](#), *Responsive Declaration to Request for Order*. See [form FL-320-INFO](#), *Information Sheet: Responsive Declaration to Request for Order* for more information.



DV-400-INFO

How Do I Ask to Change or End a Domestic Violence Restraining Order After Hearing?

7 Complete form FL-300 (page 1)

Caption: Complete the top part of the form, including your name, address, telephone number, e-mail address, and the court address.

- **Write the names of the parties in the caption.** *If you already have a family law case, use the party names as they are in that case. If you are the Petitioner in that case, you will be the Petitioner on form FL-300. If you are the Respondent in the family law case, you will be the Respondent on form FL-300.*

If you do not already have a family law case, list yourself as the Petitioner on form FL-300 if you are the Protected Party on the restraining order. List yourself as the Respondent on form FL-300 if you are the Restrained Party on the restraining order.

- **Check all the boxes that apply to the orders you want.**

Check the “Change” box if you want to change the order. Below that, indicate the orders that you want to change; for example, domestic violence order, child custody, visitation (parenting time), spousal or partner support.

If you want to ask the court to end the domestic violence orders, check the box for “Domestic Violence Order.” Then, check “Other (specify)” and write “End restraining orders in form DV-130.”

FL-300
FOR COURT USE ONLY

PARTY WITHOUT ATTORNEY OR ATTORNEY: NAME, FIRM NAME, STREET ADDRESS, CITY, TELEPHONE NO., EMAIL ADDRESS, ATTORNEY FOR (Name), STATE BAR NO., STATE, ZIP CODE, FAX NO.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF: STREET ADDRESS, MAILING ADDRESS, CITY AND ZIP CODE, BRANCH NAME

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:

REQUEST FOR ORDER: CHANGE TEMPORARY EMERGENCY ORDERS
 Child Custody Visitation (Parenting Time) Spousal or Partner Support
 Child Support Domestic Violence Order Attorney's Fees and Costs
 Property Control Other (specify):

NOTICE OF HEARING

1. TO (name(s)): Petitioner Respondent Other Parent/Party Other(specify):

2. A COURT HEARING WILL BE HELD AS FOLLOWS:
 a. Date: same as notice above Dept.: Room.:
 b. Address of court same as notice above other (specify):

3. WARNING to the person served with the Request for Order: The court may make the requested orders without you if you do not file a Responsive Declaration to Request for Order (form FL-320), serve a copy on the other parties at least nine court days before the hearing (unless the court has ordered a shorter period of time), and appear at the hearing. (See form FL-320-INFO for more information.)

It is ordered that:
 4. Time for service until the is shortened. Service must be on or before (date):
 5. A Responsive Declaration to Request for Order (form FL-320) must be served on or before (date):
 6. The parties must appear for child custody mediation or child custody recommending counseling as follows (specify date, time, and location):
 7. Orders in Temporary Emergency (Ex Parte) Orders (form FL-305) apply to this proceeding and must be personally served with all documents filed with this Request for Order.
 8. Other (specify):

Form Adopted for Mandatory Use
 Judicial Council of California
 FL-300 (Rev. July 1, 2016)

JUDICIAL OFFICER: _____
 Page 1 of 4
 Family Code §§ 2045, 2107, 6324,
 6376, 63344.5; Welfare and
 Government Code, § 26838
 Cfl. Rules of Court, rule 5.02
 www.courts.ca.gov

Item 1: Write the name of the other parties in your case.

Item 2: Leave this blank. The court clerk will fill in the date, time, and location of the hearing.

Item 3: This is a notice to the other parties in the case.

Items 4-5: Leave these blank. The court will complete them if it grants the order.

Item 6: In some counties, the court clerk will check item 6 and provide the details for your required child custody mediation or recommending counseling appointment. Other courts require the party or the party’s attorney to make the appointment and then complete item 6 before filing form FL-300. Ask your court’s Family Law Facilitator or Self-Help Center to find out what your court requires.

Items 7-8: Leave these blank. The court will complete them if needed.

8 Complete form FL-300 (pages 2-4)

9 Complete additional forms and make copies

Complete any additional forms that you need to give to the court clerk when you file the *Request for Order*. Make at least three copies of your full packet.

10 File your completed forms

Take them to the clerk’s office in person, mail them, or e-file them (if available in your county). The clerk will keep the original and give you back the copies you made with a court date and time stamped on the first page of the *Request for Order*.

Note: To help schedule the hearing date, tell the clerk if the Protected Party is registered in the Safe at Home program. Extra time is needed for the Protected Party to receive notice after it is served on the Secretary of State.

11 Filing fee

Generally, there is no fee to file a request to change or end the orders included in *Restraining Order After Hearing* (form DV-130). However, after a restraining order is ended, the court may charge a fee if a party files a request to change the child custody, visitation, or support orders granted in form DV-130.

DV-400-INFO**How Do I Ask to Change or End a Domestic Violence Restraining Order After Hearing?****12 Temporary Emergency (Ex Parte) Orders (nondomestic violence restraining orders)**

To address emergencies, courts can sometimes grant a party's request for temporary emergency orders with or without notice to the other party before the court hearing. The temporary orders last until the day of the hearing.

- *A request for temporary emergency orders must involve an immediate danger or irreparable harm to a party or children in the case, or an immediate loss or damage to property.*
- Ask your court's family law facilitator or self-help center to explain procedures for requesting temporary emergency orders at your court, and follow those procedures.
- By law, the court **CANNOT** grant a Restrained Party's request for temporary emergency orders to change or end the restraining orders before the noticed court hearing. However, the Restrained Party may seek a court order for a shorter time until the hearing or for a shorter time to serve the request on the Protected Party.

13 Serve the Request for Order documents

The other party must be "served" with a:

- Copy of the *Request for Order* and all the other forms and attachments filed with the court clerk.
- Copy of any temporary emergency orders granted.
- Blank form FL-320, *Response Declaration to Request for Order*
- Blank form FL-150, *Income and Expense Declaration* (if you served form FL-150 or FL-155).

14 General information about "service"

"Service" is the act of giving your legal papers to all persons named as parties in the case so that they know: what orders you are asking for; whether temporary emergency orders were made before the hearing; the date, time, and location of the hearing; and how to respond to your request.

NOTE: For questions about serving form FL-300, talk with a lawyer or contact your Family Law Facilitator or Self-Help Center <http://www.courts.ca.gov/1083.htm>.

15 Service deadlines

Unless the court orders a different deadline: Personal service (hand-delivery) must be completed at least *16 court days* before the hearing. Service by mail must be completed at least *16 court days, PLUS five calendar days*, before the hearing if service is done within the state.

16 Who can "serve" the documents

The server must be 18 years of age or older and not be anyone protected or restrained by the orders. You cannot serve the papers. The server can be a friend, a relative who is not involved in your case, a sheriff, or a professional process server. If serving by mail, the server must live or work in the county where the mailing took place.

17 When personal service is required

- A Restrained Party's request to change or end restraining orders must always be personally served (hand-delivered) on the Protected Party, unless the court allows another method.

- The court granted temporary emergency (ex parte orders) that start before the hearing date. Note: Special procedures apply for personal service on a Protected Party who has a confidential address with the Secretary of State's Safe at Home program. For more information, go to www.sos.ca.gov/registries/safe-home/applicants-and-participants/program-policies/#child-custody.

18 When service by mail is permitted

- A Protected Party's *Request for Order* to change or end the restraining orders in form DV-130 may be served on the restrained party by mail.
- Requests by either party only to change *temporary orders* in form DV-130 for child custody or visitation (parenting time), support, financial, or other orders (NOT protective orders), may be served by mail.
- Requests made by either party only to change "*permanent*" or "*final*" orders for child custody and visitation (parenting time), or child support in form DV-130 may be served by mail if an *Address Verification* is included (see form FL-334 at courts.ca.gov/documents/fl334.pdf).



How Do I Ask to Change or End a Domestic Violence Restraining Order After Hearing?**19 Server must complete a *Proof of Service***

After the forms are personally served, the server must complete a proof of personal service and give it to you. [Form FL-330, Proof of Personal Service](#) may be used for this purpose. Give the server [form FL-330-INFO, Information Sheet for Proof of Personal Service](#) for instructions.

If service was by mail, the server may use [form FL-335, Proof of Service by Mail](#). Give the server [form FL-335-INFO, Information Sheet for Proof of Service by Mail](#) for instructions.

20 File the *Proof of Service* before your hearing

Make three copies of the proof of service. Give the original and copies to the court clerk as soon as possible (or e-file them) **before your hearing**.

The clerk will keep the original and give you back the copies stamped “Filed.” Bring a copy stamped “Filed” to your hearing. The filed *Proof of Service* shows the judge that the person received a copy of the *Request for Order* and all other documents or attachments.

21 Get ready for your hearing

Find more information about preparing for your hearing at <http://www.courts.ca.gov/1094.htm>.

22 Go to the court hearing

Take at least three copies of your filed forms to the hearing, including the proof of service. At the hearing, the judge will decide whether to change or end the restraining orders.

23 What if the judge changes or ends the restraining order at the hearing?

If the judge *changes (amends)* the orders, fill out a new [form DV-130, Restraining Order After Hearing](#) that shows the changed orders orders.

Check the “Amended” box on the top of the form. The court will write the number of the amendment on the form. For example, if it is the first time the order is changed, the court will write “1st” before the word “Amended.”

Give the court three copies of the proposed amended order.

If the judge *ends* the restraining order, give the court [form DV-400, Findings and Order to Terminate Restraining Order After Hearing](#). Complete only items 1 and 2, and give the court three copies.

After the judge signs the order, the clerk will file the original and give you three stamped copies.

24 Serve the court order

Have the other party personally served with a copy of the filed orders made on form DV-130 or form DV-400, unless the court orders another method of service or the other party was served at the hearing.

25 File the *Proof of Service*

The server must complete a proof of personal service, such as [form FL-330, Proof of Personal Service](#). Make three copies.

The original proof of personal service must then be filed with the court clerk. The clerk will file the original and give you back the copies you sent to the clerk stamped “Filed.”

Keep one copy with you and another in a safe place in case you need to show it to the police.

26 Get the order entered into the statewide Restraining Order Registry

The court will send the filed, amended form DV-130 or form DV-400 and proof of service to law enforcement for you. That way police across the state and the nation will know the order has changed or ended.

27 Need more help?

Ask the court clerk about free or low-cost legal help.

For a referral to a local domestic violence or legal assistance program, call the National Domestic Violence Hotline at 1-800-799-7233 (TDD: 1-800-787-3224). It is free and private. They can help in more than 100 languages.

28 If you need protection in the future, you can always go back to court and ask for a restraining order.

PARTY WITHOUT ATTORNEY OR ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT NOT APPROVED BY THE JUDICIAL COUNCIL v. 07/23/2024
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	
REQUEST FOR ORDER <input type="checkbox"/> CHANGE <input type="checkbox"/> TEMPORARY EMERGENCY ORDERS <input type="checkbox"/> Child Custody <input type="checkbox"/> Visitation (Parenting Time) <input type="checkbox"/> Spousal or Partner Support <input type="checkbox"/> Child Support <input type="checkbox"/> Property Control <input type="checkbox"/> Attorney's Fees and Costs <input type="checkbox"/> Other (specify):	CASE NUMBER:

Note: Read form [FL-300-INFO](#) for information about how to complete this form. To ask to change or end an order that was granted in a Restraining Order After Hearing (form DV-130 or JV-255), read form [FL-300-INFO](#) and form [DV-300-INFO](#).

NOTICE OF HEARING

1. TO (name(s)): _____
 Petitioner Respondent Other Parent/Party Other (specify):

2. A COURT HEARING WILL BE HELD AS FOLLOWS:

a. Date:	Time:	<input type="checkbox"/> Dept.:	<input type="checkbox"/> Room.:
b. Address of court <input type="checkbox"/> same as noted above <input type="checkbox"/> other (specify):			

3. **WARNING to the person served with the Request for Order:** The court may make the requested orders without you if you do not file a *Responsive Declaration to Request for Order* (form FL-320), serve a copy on the other parties at least nine court days before the hearing (unless the court has ordered a shorter period of time), and appear at the hearing. (See form *FL-320-INFO* for more information.)

COURT ORDER
(FOR COURT USE ONLY)

It is ordered that:

4. Time for service until the hearing is shortened. Service must be on or before (date):
5. A *Responsive Declaration to Request for Order* (form FL-320) must be served on or before (date):
6. The parties must attend an appointment for child custody mediation or child custody recommending counseling as follows (specify date, time, and location):
7. The orders in *Temporary Emergency (Ex Parte) Orders* (form FL-305) apply to this proceeding and must be personally served with all documents filed with this *Request for Order*.
8. Other (specify):

Date: _____

_____ JUDICIAL OFFICER

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
---	--------------

REQUEST FOR ORDER

Note: Place a mark in front of the box that applies to your case or to your request. If you need more space, mark the box for "Attachment." For example, mark "Attachment 2a" to indicate that the list of children's names and birth dates continues on a paper attached to this form. Then, on a sheet of paper, list each attachment number followed by your request. At the top of the paper, write your name, case number, and "FL-300" as a title. (You may use *Attached Declaration* (form [MC-031](#)) for this purpose.)

1. RESTRAINING ORDER INFORMATION

One or more domestic violence restraining/protective orders are now in effect between *(specify)*:

Petitioner Respondent Other Parent/Party *(Attach a copy of the orders if you have one.)*

The orders are from the following court or courts *(specify county and state)*:

- a. Criminal: County/state *(specify)*: Case No. *(if known)*:
- b. Family: County/state *(specify)*: Case No. *(if known)*:
- c. Juvenile: County/state *(specify)*: Case No. *(if known)*:
- d. Other: County/state *(specify)*: Case No. *(if known)*:

2. CHILD CUSTODY

I request temporary emergency orders

VISITATION (PARENTING TIME)

a. I request that the court make orders about the following children *(specify)*:

<u>Child's Name</u>	<u>Date of Birth</u>	<input type="checkbox"/> <u>Legal Custody to</u> <i>(person who decides: health, education, etc):</i>	<input type="checkbox"/> <u>Physical Custody to</u> <i>(person with whom child lives):</i>
---------------------	----------------------	---	--

b. The orders I request for child custody visitation (parenting time) are:

[Attachment 2a.](#)

(1) Specified in the attached forms:

- Form [FL-305](#)
- Form [FL-311](#)
- Form [FL-312](#)
- Form [FL-341\(C\)](#)
- Form [FL-341\(D\)](#)
- Form [FL-341\(E\)](#)
- Other *(specify)*:

(2) As follows *(specify)*:

[Attachment 2b.](#)

c. The orders that I request are in the best interest of the children because *(specify)*:

[Attachment 2c.](#)

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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2. **d.** This is a change from the current order for child custody visitation (parenting time).
- (1) The order for legal or physical custody was filed on *(date)*: . The court ordered *(specify)*:
- (2) The visitation (parenting time) order was filed on *(date)*: . The court ordered *(specify)*:

3. CHILD SUPPORT [Attachment 2d.](#)

(Note: An earnings assignment may be issued. See *Income Withholding for Support* (form [FL-195](#))

- a. I request that the court order child support as follows:
- | | | |
|-----------------------------|---|---|
| <u>Child's name and age</u> | <input type="checkbox"/> I request support for each child | <u>Monthly amount (\$) requested</u> |
| | | based on the child support guideline. (if not by guideline) |

- b. I want to change a current court order for child support filed on *(date)*: [Attachment 3a.](#)
 The court ordered child support as follows *(specify)*:

c. I have completed and filed with this *Request for Order* a current *Income and Expense Declaration* (form [FL-150](#)) or I filed a current *Financial Statement (Simplified)* (form [FL-155](#)) because I meet the requirements to file form FL-155.

- d. The court should make or change the support orders because *(specify)*: [Attachment 3d.](#)

4. SPOUSAL OR DOMESTIC PARTNER SUPPORT

(Note: An *Earnings Assignment Order for Spousal or Partner Support* (form [FL-435](#)) may be issued.)

- a. Amount requested *(monthly)*: \$
- b. I want the court to change end the current support order filed on *(date)*:
 The court ordered \$ per month for support.
- c. This request is to modify (change) spousal or partner support after entry of a judgment.
 I have completed and attached *Spousal or Partner Support Declaration Attachment* (form [FL-157](#)) or a declaration that addresses the same factors covered in form FL-157.
- d. I have completed and filed a current *Income and Expense Declaration* (form [FL-150](#)) in support of my request.
- e. The court should should make, change, or end the support orders because *(specify)*: [Attachment 4e.](#)

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
---	--------------

5. PROPERTY CONTROL I request temporary emergency orders
 a. The petitioner respondent other parent/party be given exclusive temporary use, possession, and control of the following property that we own or are buying lease or rent (*specify*):

b. The petitioner respondent other parent/party be ordered to make the following payments on debts and liens coming due while the order is in effect:
 Pay to: _____ For: _____ Amount: \$ _____ Due date: _____
 Pay to: _____ For: _____ Amount: \$ _____ Due date: _____
 Pay to: _____ For: _____ Amount: \$ _____ Due date: _____
 Pay to: _____ For: _____ Amount: \$ _____ Due date: _____

c. This is a change from the current order for property control filed on (*date*):
 d. Specify in [Attachment 5d](#) the reasons why the court should make or change the property control orders.

6. ATTORNEY'S FEES AND COSTS
 I request attorney's fees and costs, which total (*specify amount*): \$ _____. I filed the following to support my request:
 a. A current *Income and Expense Declaration* (form [FL-150](#)).
 b. A *Request for Attorney's Fees and Costs Attachment* (form [FL-319](#)) or a declaration that addresses the factors covered in that form.
 c. A *Supporting Declaration for Attorney's Fees and Costs Attachment* (form [FL-158](#)) or a declaration that addresses the factors covered in that form.

7. OTHER ORDERS REQUESTED (*specify*): [Attachment 7.](#)

8. TIME FOR SERVICE / TIME UNTIL HEARING I urgently need:
 a. To serve the *Request for Order* no less than (*number*): _____ court days before the hearing.
 b. The hearing date and service of the the *Request for Order* to be sooner.
 c. I need the order because (*specify*): [Attachment 8.](#)

9. FACTS TO SUPPORT the orders I request are listed below. The facts that I write in support and attach to this request cannot be longer than 10 pages, unless the court gives me permission. [Attachment 9.](#)

I declare under penalty of perjury under the laws of the State of California that the information provided in this form and all attachments is true and correct.

Date: _____
 _____ (TYPE OR PRINT NAME) ▶ _____ (SIGNATURE OF APPLICANT)



Requests 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 proceeding. Contact the clerk's office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Response* (form [MC-410](#)). (Civ. Code, § 54.8.)

1 USE Request for Order (form FL-300):

- To schedule a court hearing and ask the court to make new orders or to change orders in your case.
- When *Restraining Order After Hearing* (form [DV-130](#)) has expired, and you want to change the orders that are still in effect (examples: child custody, visitation (parenting time), child support, and other orders).
- To change or end *Juvenile Restraining Order After Hearing* (form [JV-255](#)) when the case is closed (dismissed) and the order was granted under the Code of Civil Procedure.

2 DO NOT USE Request for Order (form FL-300):

- To ask for a restraining order against your spouse or domestic partner, a former spouse or domestic partner, or someone you have a child with. Read *How to Ask for a Temporary Restraining Order* (form [DV-505-INFO](#)).
- To ask to change or end a *Restraining Order After Hearing* granted under the Domestic Violence Prevention Act, including form DV-130 and form JV-255 in a juvenile case. For more information, read *How Do I Ask to Change or End a Domestic Violence Restraining Order?* (form [DV-300-INFO](#)).
- Before you have filed a Petition to start your **family law case** (form FL-300 may be filed with the Petition).
- If you and the other party have an agreement. For information about how to write up your agreement, get it approved by the court, and filed in your case, see www.courts.ca.gov/selfhelp-agreeFL, speak with an attorney, or get help at your court's Self-Help Center or Family Law Facilitator's Office.
- When specific Judicial Council forms must be used to ask the court for other orders. For example, to ask:
 - For an order for contempt, use form [FL-410](#).
 - To set aside a child support order, use form [FL-360](#) or form [FL-640](#).
 - To set aside a voluntary declaration of paternity, use form [FL-280](#).

3 Forms checklist

- Form [FL-300](#), *Request for Order*, is the basic form you need to file with the court. Depending on your request, you may need these additional forms:
- To request child custody or visitation (parenting time) orders, you may need to complete some of these forms:
 - [FL-105](#), *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act*
 - [FL-311](#), *Child Custody and Visitation (Parenting Time) Application Attachment*
 - [FL-312](#), *Request for Child Abduction Prevention Orders*
 - [FL-341\(C\)](#), *Children's Holiday Schedule Attachment*
 - [FL-341\(D\)](#), *Additional Provisions—Physical Custody Attachment*
 - [FL-341\(E\)](#), *Joint Legal Custody Attachment*
- If you want child support, you need this form:
 - A current [FL-150](#), *Income and Expense Declaration*. You may use form [FL-155](#), *Financial Statement (Simplified)* instead of form FL-150 if you meet the requirements listed on page 2 of form FL-155.
- If you want spousal or partner support or orders about your finances, you need **these forms**:
 - A current [FL-150](#), *Income and Expense Declaration*
 - [FL-157](#), *Spousal or Partner Support Declaration Attachment* (if the request is to change a support judgment)
- If you want attorney's fees and costs, you need **these forms**:*
 - A current [FL-150](#), *Income and Expense Declaration*
 - [FL-319](#), *Request for Attorney's Fees and Costs Attachment* (or provide the information in a declaration)
 - [FL-158](#), *Supporting Declaration for Attorney's Fees and Costs* (or provide the information in a declaration)

(*The above forms are not required when asking for attorney's fees and costs under the Domestic Violence Prevention Act.)
- To request temporary emergency (ex parte) orders, you need **these forms**:
 - [FL-305](#), *Temporary Emergency Orders* to serve as the proposed temporary emergency orders.
 - Your declaration describing how and when you gave notice about the request for temporary emergency orders. You may use [form FL-303](#), *Declaration Regarding Notice and Service of Request for Temporary Emergency (Ex Parte) Orders*.
 - Other forms required by local courts. See item 9 on page 3 of this form for more information.
- If you plan to have witnesses testify at the hearing, you need form:
 - [FL-321](#), *Witness List*
- If you want to request a separate trial (bifurcation) on an issue, you need form:
 - [FL-315](#), *Request or Response to Request for Separate Trial*



4 Complete form FL-300 (Page 1)

Caption: Complete the top part with your name, address, and telephone number. Below that, fill in the court's address.

Write the name of the Petitioner, Respondent, or Other Parent/Party. (You must use the party names as they appear in the petition.)

In the next section, check “CHANGE” if you want to change an existing order. Check “TEMPORARY EMERGENCY (EX PARTE) ORDER” if you are asking that the court make emergency orders that will be effective until the hearing date.

Then, check the boxes that apply to the orders you are requesting. Finally, in the box on the right, write your case number.

Item 1: List the name(s) of the other person(s) in your case who will receive your request. In some cases, this might include a grandparent who is joined as a party in the case, a local child support agency, or a lawyer who represents a child in the case.

Item 2: Leave this blank. The court clerk will fill in the date, time, and location of the hearing.

Item 3: This is a notice to all other parties.

Items 4–5: Leave these blank. The court will complete them if the orders are granted.

Item 6: In some counties, the court clerk will check item 6 and provide the details for your required child custody mediation or recommending counseling appointment. Other courts require the party or the party’s lawyer to make the appointment and then complete item 6 before filing form FL-300.

Ask your court’s Family Law Facilitator or Self-Help Center to find out what your court requires.

Items 7–8: Leave these blank. The court will complete them, if needed.

5 Complete form FL-300 (pages 2–4)

6 Complete additional forms and make copies

Complete any additional forms that you need to file with the *Request for Order*. Make at least two copies of your full packet.

PARTY WITHOUT ATTORNEY OR ATTORNEY		STATE BAR NUMBER	FOR COURT USE ONLY	
NAME:				
FIRM NAME:				
STREET ADDRESS:				
CITY:	STATE:	ZIP CODE:		
TELEPHONE NO.:	FAX NO.:			
EMAIL ADDRESS:				
ATTORNEY FOR (name):				
SUPERIOR COURT OF CALIFORNIA, COUNTY OF				
STREET ADDRESS:				
MAILING ADDRESS:				
CITY AND ZIP CODE:				
BRANCH NAME:				
PETITIONER: RESPONDENT: OTHER PARTY(IES):				
REQUEST FOR ORDER		CHANGE	TEMPORARY EMERGENCY ORDERS	
<input type="checkbox"/> Child Custody	<input type="checkbox"/> Visitation (Parenting Time)	<input type="checkbox"/> Spousal or Partner Support		
<input type="checkbox"/> Child Support	<input type="checkbox"/> Property Control	<input type="checkbox"/> Attorney's Fees and Costs		
<input type="checkbox"/> Other (specify):				
				CASE NUMBER:

Note: Read form FL-300-INFO for information about how to complete this form. To ask to change or end an order that was granted in a Restraining Order After Hearing (form DV-130 or JV-255), read form FL-300-INFO and form DV-300-INFO.

NOTICE OF HEARING

1. TO (name(s)): Petitioner Respondent Other Parent/Party Other (specify):

2. A COURT HEARING WILL BE HELD AS FOLLOWS:

a. Date: _____ Time: _____ Dept.: _____ Room: _____
 b. Address of court same as noted above other (specify): _____

3. **WARNING to the person served with the Request for Order:** The court may make the requested orders without you if you do not file a *Responsive Declaration to Request for Order* (form FL-320), serve a copy on the other parties at least nine court days before the hearing (unless the court has ordered a shorter period of time), and appear at the hearing. (See form FL-320-INFO for more information.)

COURT ORDER

It is ordered that:

- 4. Time for service until the hearing is shortened. Service must be on or before (date):
- 5. A *Responsive Declaration to Request for Order* (form FL-320) must be served on or before (date):
- 6. The parties must attend an appointment for child custody mediation or child custody recommending counseling as follows (specify date, time, and location):
- 7. The orders in *Temporary Emergency (Ex Parte) Orders* (form FL-305) apply to this proceeding and must be personally served with all documents filed with this *Request for Order*.
- 8. Other (specify):

Date: _____

JUDICIAL OFFICER _____

Form Adopted for Mandatory Use
 Judicial Council of California
 FL-300 (Rev. January 1, 2025)

REQUEST FOR ORDER

Page 1 of 4
 Family Code, §§ 2045, 2107, 5224,
 6702, 6703, 6704, 6705, 6706, 6707,
 Government Code, § 26020
 Cal. Rules of Court, rules 5.92,
 www.courts.ca.gov

Note: You may file one form FL-150 to respond to items 3, 4, and 6.

7 File your documents

Give your paperwork and the copies you made to the court clerk to process. You may take them to the clerk’s office in person, mail them, or, in some counties, you can e-file them.

The clerk will keep the original and give you back the copies you made with a court date and time stamped on the first page of the *Request for Order*. The procedure may be different in some courts if you are requesting temporary emergency orders.

8 Pay filing fees

A fee is due at the time of filing.

If you cannot afford to pay the filing fee, and you do not already have a valid fee waiver order in this case, you can ask the court to waive the fee by completing and filing form [FW-001, Request to Waive Court Fees](#) and form [FW-003, Order on Court Fee Waiver](#).



9 Temporary Emergency (Ex Parte) Orders
(nondomestic violence restraining orders)

Courts can make temporary orders in your family law case to respond to emergencies that cannot wait to be heard on the court’s regular hearing calendar.

The emergency must involve an immediate danger or irreparable harm to a party or children in the case, or an immediate loss or damage to property.

To request these orders:

- Complete form FL-300. Describe the emergency and explain why you need the temporary emergency orders before the hearing.
- Complete form FL-305 to serve as your proposed temporary orders.
- Include a declaration describing how and when you notified the other parties (or why you could not give notice) about your request and the hearing (see form FL-303).
- Complete other forms if required by your local court rules.
- Follow your court’s local procedures for reserving the day for the hearing, submitting your paperwork, and paying filing fees.

12 Who can be a “server”

You cannot serve the papers. Have someone else (who is at least 18 years old) do it. The server can be a friend, a relative who is not involved in your case, a sheriff, or a professional process server.

13 “Personal Service”

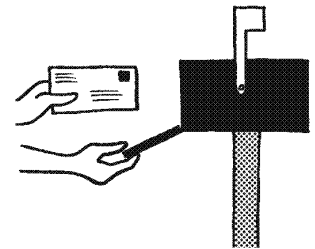
Personal service means that your server walks up to each person to be served, makes sure the right person is served, and then hand-delivers a copy of all the papers (and the blank forms). If the person served does not take the papers, the server may leave the papers near the person.



Note: Sometimes the papers may be personally served on the other party’s lawyer (if **the other party** has one) in the family law case.

14 “Service by mail”

Service by mail means that your server places copies of all the documents (and blank forms) in a sealed envelope and mails them to the address of each party being served (or to the party’s lawyer, if the party has one).



The server must be 18 years of age or over and live or work in the county where the mailing took place.

Important! For questions about personal service or service by mail, talk with a lawyer or check with your court’s Family Law Facilitator or Self-Help Center at www.courts.ca.gov/1083.htm.

10 General information about “service”

“Service” is the act of giving your legal papers to all persons named as parties in the case so that they know what orders you are asking for and have information about the hearing.

If the other parties are NOT properly served, the judge cannot make the orders you requested on the date of the hearing.

11 Serve the Request for Order and blank forms

The other party must be “served” with a:

- Copy of the *Request for Order* and all the other forms and attachments filed with the court clerk.
- Copy of any temporary emergency orders granted.
- Blank form [FL-320](#), *Responsive Declaration to Request for Order*.
- Blank form [FL-150](#), *Income and Expense Declaration* (if you served form FL-150 or FL-155).



15 When to use personal service or service by mail

Personal Service

Personal service is the best way to make sure the other adults in your case are correctly served. Sometimes you **must** use personal service.

You **must** use personal service when the court:

- Ordered personal service;
- Granted temporary emergency orders;
- Does not yet have the power to make orders that apply to the other party because **the person** has either NOT previously:
 - Been served with a *Summons* and *Petition*;^{*}
 - OR
 - Appeared in the case by filing a:
 - a. *Response to a Petition*;
 - b. *Appearance, Stipulations, and Waivers*;
 - c. Written notice of appearance;
 - d. Request to strike all or part of the *Petition*; or
 - e. Request to transfer the case.

^{*}Note: A *Request for Order* may be served at the same time as the family law *Summons* and *Petition*.

1. After serving, the server must fill out a *Proof of Personal Service* (form [FL-330](#)) and give it to you. If the server needs instructions, give **them** form [FL-330-INFO](#), *Information Sheet for Proof of Personal Service*.
2. Take the completed *Proof of Personal Service* form to the clerk’s office (or e-file it, if available in your court) at least 5 court days before your hearing.

Deadline: The deadline for personal service is **16 court days** before the hearing date, unless the court orders a different deadline.

Service by Mail

If you are not required to use personal service, you may use service by mail.

Important! Check with your court’s Family Law Facilitator’s Office or Self-Help Center, or ask a lawyer to be sure you are allowed to use service by mail in your case.

A *Request for Order* to change a judgment or final order on the issue of child custody, visitation (parenting time), or child support may be served by mail if:

- The documents do not include temporary emergency orders;
- The court did not order personal service; and
- You have verified the other party’s current residence or office address. (You may use *Address Verification* (form [FL-334](#)).)

To change a judgment or final order on any other issue, including spousal or domestic partner support, the *Request for Order* may need to be personally served on the other party.

1. After serving, the server must fill out a *Proof of Service by Mail* (form [FL-335](#)) and give it to you. If the server needs instructions, give **them** *Information Sheet for Proof of Service by Mail* (form [FL-335-INFO](#)).
2. Take the completed *Proof of Personal Service* form to the clerk’s office (or e-file it, if available in your court) at least 5 court days before your hearing.

Deadline: Unless the court orders a different time, service by mail must be completed at least **16 court days PLUS 5 calendar days** before the hearing date (if service is in California). Other time lines apply for service outside of California.

16 Get ready for your hearing

- Take at least two copies of your documents and filed forms to the hearing. Include a filed *Proof of Service* form.
- Find more information about preparing for your hearing at www.courts.ca.gov/1094.htm.
- For information about having the other party testify in court, go to www.courts.ca.gov/29283.htm.

17 After the hearing, the order made on form [FL-340](#) *Findings and Order After Hearing*, must be filed and served.

18 Do you have questions or need help?

- Find a lawyer through your local bar association, the State Bar of California at calbar.ca.gov, or the Lawyer Referral Service at 1-866-442-2529.
- For free and low-cost legal help (if you qualify), go to www.lawhelpca.org.
- Contact the Family Law Facilitator or Self-Help Center for information and assistance, and referrals to local legal services providers. Go to www.courts.ca.gov/selfhelp-courtresources.htm.

PARTY WITHOUT ATTORNEY OR ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT NOT APPROVED BY THE JUDICIAL COUNCIL v. 7/23/24
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	
RESPONSIVE DECLARATION TO REQUEST FOR ORDER	CASE NUMBER:
HEARING DATE: TIME: DEPARTMENT OR ROOM:	

Read *Information Sheet: Responsive Declaration to Request for Order* (form [FL-320-INFO](#)) for more information about this form.

1. RESTRAINING ORDER INFORMATION
 - a. No domestic violence restraining/protective orders are now in effect between the parties in this case.
 - b. I agree that one or more domestic violence restraining/protective orders are now in effect between the parties in this case.

2. CHILD CUSTODY
 VISITATION (PARENTING TIME)
 - a. I consent to the order requested for child custody (legal and physical custody).
 - b. I consent to the order requested for visitation (parenting time).
 - c. I do not consent to the order requested for child custody visitation (parenting time)
 but I consent to the following order:

3. CHILD SUPPORT
 - a. I have completed and filed a current *Income and Expense Declaration* (form [FL-150](#)) or, if eligible, a current *Financial Statement (Simplified)* (form [FL-155](#)) to support my responsive declaration.
 - b. I consent to the order requested.
 - c. I consent to guideline support.
 - d. I do not consent to the order requested but I consent to the following order:

4. SPOUSAL OR DOMESTIC PARTNER SUPPORT
 - a. I have completed and filed a current *Income and Expense Declaration* (form [FL-150](#)) to support my responsive declaration.
 - b. I consent to the order requested.
 - c. I do not consent to the order requested but I consent to the following order:

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
---	--------------

5. PROPERTY CONTROL

- a. I consent to the order requested.
- b. I do not consent to the order requested but I consent to the following order:

6. ATTORNEY'S FEES AND COSTS

- a. I have completed and filed a current *Income and Expense Declaration* (form [FL-150](#)) to support my responsive declaration.
- b. I have completed and filed with this form a *Supporting Declaration for Attorney's Fees and Costs Attachment* (form [FL-158](#)) or a declaration that addresses the factors covered in that form.
- c. I consent to the order requested.
- d. I do not consent to the order requested but I consent to the following order:

7. OTHER ORDERS REQUESTED

- a. I consent to the order requested.
- b. I do not consent to the order requested but I consent to the following order:

8. TIME FOR SERVICE / TIME UNTIL HEARING

- a. I consent to the order requested.
- b. I do not consent to the order requested but I consent to the following order:

9. FACTS TO SUPPORT my responsive declaration are listed below. The facts that I write and attach to this form cannot be longer than 10 pages, unless the court gives me permission. [Attachment 10.](#)

I declare under penalty of perjury under the laws of the State of California that the information provided in this form and all attachments is true and correct.

Date: _____

(TYPE OR PRINT NAME) (SIGNATURE OF DECLARANT)

- 1 If you received a Request for Order (form FL-300):**
- Carefully read the papers you received to make sure you understand what orders are being requested.
 - Note the date, time, and location of the court hearing.
 - Check to see if the court ordered a specific date for filing and serving your *Responsive Declaration to Request for Order* (form FL-320).
 - If you need more time before the hearing to prepare a responsive declaration or talk with a lawyer, you may ask the court to continue the hearing date. For more information, consult with a lawyer or contact the the Family Law Facilitator or Self-Help Center in your court (see item **16**).
- 2 USE Responsive Declaration to Request for Order (form FL-320)**
- Use form FL-320 to let the court and the other party know that you agree or disagree with each of the requests made in the *Request for Order* (form FL-300).
- If you disagree, use form FL-320 to describe the orders you would like the court to make.
 - If you do not file and serve form FL-320, the court can still make orders without your input.
- 3 DO NOT USE Responsive Declaration to Request for Order (form FL-320) to:**
- Ask for court orders that were not requested in the *Request for Order* (form FL-300). Instead, file and serve your own *Request for Order* (form [FL-300](#)) to ask for orders about other issues.
 - Respond to *Request for Domestic Violence Restraining Order* (form [DV-100](#)). Instead, you must use *Response to Request for Domestic Restraining Order* (form [DV-120](#)).
 - Respond to *Request to Change or End Restraining Order* (form [DV-300](#) or form [JV-255](#) when the juvenile case is closed and the order was granted under the Domestic Violence Prevention Act). Instead, you must use *Response to Request to End or Change Restraining Order* (form [DV-320](#)).
- 4 Forms checklist**
- a. Form [FL-320](#), *Responsive Declaration to Request for Order*, is the basic form you need. Depending on the requests made in the *Request for Order* (form FL-300), you may need other forms.
- b. For child custody or visitation (parenting time) orders, you may need to complete some of these forms:
- [FL-105](#), *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act*
 - [FL-311](#), *Child Custody and Visitation (Parenting Time) Application Attachment*
 - [FL-312](#), *Request for Child Abduction Prevention Orders*
 - [FL-341\(C\)](#), *Children’s Holiday Schedule Attachment*
 - [FL-341\(D\)](#), *Additional Provisions—Physical Custody Attachment*
 - [FL-341\(E\)](#), *Joint Legal Custody Attachment*
- c. For child support, you need:
- A current form [FL-150](#), *Income and Expense Declaration*. You may use form [FL-155](#), *Financial Statement (Simplified)*, instead of form FL-150 if you meet the requirements listed on page 2 of form FL-155.
- Notice:**
- The court will order child support based on the income of the parents.
 - Child support normally continues until the child is 18 years and has graduated from high school.
 - You must give the court information about your finances. If you do not, the child support order will be based on information about your income that the court receives from other sources.
- d. For spousal or domestic partner support or orders about your finances, you need these forms:
- [FL-150](#), *Income and Expense Declaration*
 - [FL-157](#), *Spousal or Partner Support Declaration Attachment* (if the request is to change a support judgment)
- e. For attorney’s fees and costs, you need these forms (except in Domestic Violence Prevention Act cases):
- [FL-150](#), *Income and Expense Declaration*
 - [FL-158](#), *Supporting Declaration for Attorney’s Fees and Costs* (or provide the information in a declaration)
 - [FL-319](#), *Request for Attorney’s Fees and Costs Attachment* (or provide the information in a declaration)
- f. If you plan on having witnesses testify at the hearing, you need this form:
- [FL-321](#), *Witness List*



To respond to a Request for Order, you must:

5 Complete the top part (caption) of the form

Complete the top portion including your name, address, and telephone number, the court address, the names of all the parties in the case, and the case number. Also, print or type the same hearing date, time, and department that appears on the *Request for Order* (form FL-300).

6 Specify a response to orders requested

Items 1–8: Each item on the form matches the item numbers on the *Request for Order* (form FL-300). Complete item 1. Next, mark the same box that is marked on form FL-300. Then, specify if you consent (agree) or do not consent to (disagree with) the orders requested. If you disagree, describe the order you would like the court to make. *Note: You may file one form FL-150 to respond to items 3, 4, and 6.*

Item 9: Use the space to explain your responses to items 1–8. Include the reasons why you do not agree with the orders requested by the other party and why the court should make the orders you described. If you need more space, write your responses on a separate sheet of paper and attach it to the form (*Attached Declaration* (form MC-031) may be used for this purpose).

Sign and date: Print your name, sign, and write the date you signed form FL-320.

7 Next steps: file or serve your paperwork

You must file your paperwork with the court clerk at least 9 court days before the hearing. If the court orders a shorter time to file your papers, file them by the date specified in the order.

Make 2 copies of your original paperwork. Then, do one of the following before the filing deadline:

- Take your paperwork and copies to the court clerk to process (or e-file them, if available in your county). The clerk will keep the original and give you back copies with a court stamp on them. Have a stamped copy served; or
- Have an unstamped copy of your paperwork served *before* you take (or e-file) the originals and copies to the court clerk to file. Be sure the original documents are not served.

PARTY WITHOUT ATTORNEY OR ATTORNEY		STATE BAR NUMBER:	FOR COURT USE ONLY		
NAME:				<p>DRAFT</p> <p>NOT APPROVED BY THE JUDICIAL COUNCIL</p> <p>v. 2/18/24</p>	
FIRM NAME:					
STREET ADDRESS:					
CITY:		STATE:	ZIP CODE:		
TELEPHONE NO.:		FAX NO.:			
EMAIL ADDRESS:					
ATTORNEY FOR (name):					
SUPERIOR COURT OF CALIFORNIA, COUNTY OF					
STREET ADDRESS:					
MAILING ADDRESS:					
CITY AND ZIP CODE:					
BRANCH NAME:					
PETITIONER:				CASE NUMBER:	
RESPONDENT:					
OTHER PARENT/PARTY:					
RESPONSIVE DECLARATION TO REQUEST FOR ORDER					
HEARING DATE:		TIME:	DEPARTMENT OR ROOM:		

- Read *Information Sheet: Responsive Declaration to Request for Order* (form [FL-320-INFO](#)) for more information about this form.
- RESTRAINING ORDER INFORMATION
 - No domestic violence restraining/protective orders are now in effect between the parties in this case.
 - I agree that one or more domestic violence restraining/protective orders are now in effect between the parties in this case.
 - CHILD CUSTODY VISITATION (PARENTING TIME)
 - I consent to the order requested for child custody (legal and physical custody).
 - I consent to the order requested for visitation (parenting time).
 - I do not consent to the order requested for child custody visitation (parenting time) but I consent to the following order:
 - CHILD SUPPORT
 - I have completed and filed a current *Income and Expense Declaration* (form [FL-150](#)) or, if eligible, a current *Financial Statement (Simplified)* (form [FL-155](#)) to support my responsive declaration.
 - I consent to the order requested.
 - I consent to guideline support.
 - I do not consent to the order requested but I consent to the following order:
 - SPOUSAL OR DOMESTIC PARTNER SUPPORT
 - I have completed and filed a current *Income and Expense Declaration* (form [FL-150](#)) to support my responsive declaration.
 - I consent to the order requested.
 - I do not consent to the order requested but I consent to the following order:

8 Pay filing fees

Generally, you do not have to pay a fee to file the *Responsive Declaration*. However, if you have never filed any papers in the case, you may have to pay a “first appearance fee,” which, in general, everyone has to pay when filing court papers in a case for the first time.

If you cannot afford to pay the filing fee, you can ask the court to waive the fees. To do so, complete and file form [FW-001](#), *Request to Waive Court Fees*, and form [FW-003](#), *Order on Court Fee Waiver*.

9 Serve your papers on the other party

“Service” is the act of giving your legal papers to all persons named as parties in the case so that they know what orders you want the court to make. *Note:* If a party has a lawyer in the case, the papers should be served on that party’s lawyer.

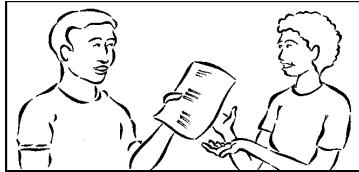


10 How to “serve”

Server. You cannot serve the papers. Have someone else (who is at least 18 years old) do it. The “server” can be a friend, a relative who is not involved in your case, a county sheriff, or a professional process server.

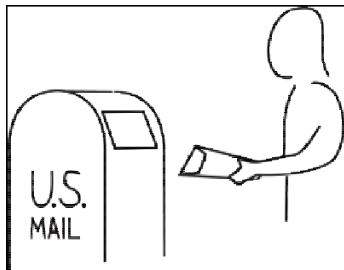
Personal service.

Your papers may be served by “personal service.” Personal service means that your server walks up to each person to be served, makes sure **they** are the right person, and then gives a copy of all the papers to **each person.**



Service by mail.

“Service by mail” means that your server places copies of all the documents in a sealed envelope and mails them to the address of each party being served (or to the party’s lawyer, if **applicable.**) The server must be 18 years of age or over and must live or work in the county where the mailing took place.



11 Deadline for service

Personal service or service by mail on the other party must be completed at least *9 court days* before the court hearing. If the court has ordered a shorter time to serve your responsive papers, be sure to have them served by the date specified in the court order.

12 Server must complete a Proof of Service

After personal service, the server should complete a form [FL-330](#), *Proof of Personal Service*. Form [FL-330-INFO](#), *Information Sheet for Proof of Personal Service*, has instructions to help the person complete the form.

After service by mail, the server should complete form [FL-335](#), *Proof of Service by Mail*. Form [FL-335-INFO](#), *Information Sheet for Proof of Service by Mail*, has instructions to help the person complete the form.

13 File the Proof of Service before your hearing date

The *Proof of Service* shows the judge that the person received a copy of your *Responsive Declaration to Request for Order*. Make three copies of the completed *Proof of Service*. Take the original and copies to the court clerk as soon as possible **before your hearing.**

The clerk will keep the original and give you back the copies stamped “Filed.” Bring a copy stamped “Filed” to your hearing. (If unstamped copies of your paperwork were served, you can file the completed *Proof of Service* when you file the original *Responsive Declaration*.)

14 Participate in child custody mediation or child custody recommending counseling

If the *Request for Order* includes a court order for you to attend mediation or child custody recommending counseling, the date, time, and location is found on page 1 of the *Request for Order*. For more information, read *Child Custody Information Sheet* (form [FL-313-INFO](#) or form [FL-314-INFO](#)).

15 Get ready for your hearing

- Take at least two copies of your documents and filed forms to the hearing. Include a filed *Proof of Service* form.
- Find more information about preparing for the hearing at www.courts.ca.gov/1094.htm.

16 Still have questions or need help?

- Contact the Family Law Facilitator or Self-Help Center for information, local rules, and referrals to local legal services providers. Go to www.courts.ca.gov/1083.htm/.
- Talk to a lawyer if you want legal advice, someone to go to court with you, or other legal help. Find an attorney through your local bar association, the State Bar of California at calbar.ca.gov, or the Lawyer Referral Service at 1-866-442-2529.
- For free and low-cost legal help (if you qualify), go to lawhelpcalifornia.org.

SPR24-24

Protective Orders: Rule and Form Changes to Implement SB459 (amend Cal. Rules of Court, rule 5.92; adopt forms DV-300, DV-305, DV-310, DV-315, DV-316, DV-320, DV-325, and DV-330; approve form DV-300-INFO; revise forms FL-300, FL-300-INFO, FL-320, and FL-320-INFO; revoke forms DV-400 and DV-400-INFO)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
1.	Community Legal Aid SoCal, by Pablo Schlueter-Corey, Supervising Attorney Family Law	A	No specific comment.	No response required.
2.	California Lawyers Association, The Executive Committee of the Family Law Section (FLEXCOM) by Saul Bercovitch, Associate Executive Director, Governmental Affairs	A	FLEXCOM agrees with this proposal.	No response required.
3.	Family Violence Appellate Project by Arati Vasan, Senior Managing Attorney	N	On behalf of Family Violence Appellate Project, I write to offer comments on ITC SRP24-24, specifically to oppose the new forms as proposed. While well-intentioned and reflective of tremendous and thoughtful work, we believe that the current proposal, which creates forms and instructions to be used by both protected parties and restrained parties, will create harmful unintended consequences by making it: 1) easier for restrained parties to file bad faith requests to attack and undermine restraining orders, the individual protections within and engage in abusive litigation; 2) more difficult for protected parties to maintain the protections they have based on the need to have to participate, respond and defend against the increased use of these actions by restrained parties, and; 3) more likely that protected parties efforts to modify their restraining orders will result in broader loses of protection than intended.	Thank you for your comment. As discussed below, the committee will monitor implementation and determine if there is a need to revise these forms in the future.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

SPR24-24

Protective Orders: Rule and Form Changes to Implement SB459 (amend Cal. Rules of Court, rule 5.92; adopt forms DV-300, DV-305, DV-310, DV-315, DV-316, DV-320, DV-325, and DV-330; approve form DV-300-INFO; revise forms FL-300, FL-300-INFO, FL-320, and FL-320-INFO; revoke forms DV-400 and DV-400-INFO)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
			<p>The proposal is intended to implement SB 459 whose purpose was to reduce barriers for survivors requesting modification or termination of their restraining orders. To effectuate the purpose of SB 459 the Council should guard against creating forms that can be used more easily by abusive parties trying to decrease the safety and well-being of survivors' and children.</p>	<p>Thank you for the information.</p>
			<p>Family Violence Appellate Project (FVAP) is a California and Washington state non-profit legal organization whose mission is to ensure the safety and well-being of survivors of domestic violence and other forms of intimate partner, family, and gender-based abuse by helping them obtain effective appellate representation. FVAP provides legal assistance to survivors of abuse at the appellate level through direct representation, collaborating with pro bono attorneys, advocating for survivors on important legal issues, and offering training and legal support for legal services providers and domestic violence, sexual assault, and human trafficking counselors. As a State Bar-funded legal services support center, an important part of our work is administrative advocacy—such as commenting on this proposal—to ensure survivors throughout the state have access to justice that is equal and consistent with the known pervasive harms from domestic violence and the State of California’s commitment to prevent domestic violence and protect survivors of abuse.</p>	

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

SPR24-24

Protective Orders: Rule and Form Changes to Implement SB459 (amend Cal. Rules of Court, rule 5.92; adopt forms DV-300, DV-305, DV-310, DV-315, DV-316, DV-320, DV-325, and DV-330; approve form DV-300-INFO; revise forms FL-300, FL-300-INFO, FL-320, and FL-320-INFO; revoke forms DV-400 and DV-400-INFO)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
			<p>1. Does the proposal appropriately address the stated purpose? No. SB 459 was enacted to address the difficulties faced by survivors of abuse who are protected by a DV-130 Restraining Order After Hearing (DVRO) and want to modify or terminate their order. Under the current system, survivors who wanted to seek modification or termination have to use non DV-specific Judicial Council forms that are also used in general family law actions. There is a lack of clarity, consistency and information on how to do so which places an undue burden on survivors. The bill was intended to reduce this burden on survivors through the creation of a set of dedicated Judicial Council forms specific to requests for modification or termination of a restraining order. Specifically, ‘providing a form for parties who wish to modify a protective order should make it easier for victims of domestic violence, many of whom are unrepresented, [to] <i>seek the additional protection</i> they need from the courts.’ (emphasis added.)*(citation omitted)</p> <p>From the outset, despite its well-intended effort to support survivors, there were issues with the language of SB 459 and it was amended several times. Notably, FVAP had supported the bill with amendments, then opposed the bill unless amended and then supported the bill once it was again amended. FVAP supported the bill in its final form because its clear intent was to create</p>	<p>Senate Bill 459 requires the council “create one or more specific forms for the purpose of requesting a modification of an existing restraining order.” This must be done on or before January 1, 2025. As commenter states, either party may request or modification or termination of the restraining order. Therefore, the committee recommends a set of forms that can be used by either party. The committee understands the commenter’s concerns and will monitor implementation and determine if there is a need to revise the forms in the future. The committee notes that it has added a question on form DV-300 to ask whether the party has previously requested a modification or termination of the restraining order which could flag potential abuse of this process. The committee also notes that the forms may be used by the protected party to seek additional protections.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

SPR24-24

Protective Orders: Rule and Form Changes to Implement SB459 (amend Cal. Rules of Court, rule 5.92; adopt forms DV-300, DV-305, DV-310, DV-315, DV-316, DV-320, DV-325, and DV-330; approve form DV-300-INFO; revise forms FL-300, FL-300-INFO, FL-320, and FL-320-INFO; revoke forms DV-400 and DV-400-INFO)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
			<p>forms that would address the <i>known difficulties survivors face</i> in seeking modification and termination of DVROs. Survivors seek to modify or terminate their DVRO for a variety of reasons. <u>None of these reasons are because they have not been a victim of abuse but are based on their expertise in their own experience of what will support their safety and well-being.</u> Survivors who freely seek to modify or terminate restraining orders deserve to encounter systems that support and affirm their agency and autonomy. SB 459 was enacted based on the belief that having a dedicated set of forms would be a way to provide that support.*(citation omitted) In contrast, restrained parties most often seek to modify and terminate restraining orders in an attempt to relitigate the underlying determination of abuse, to chip away individually at the set of protections in a restraining order which work together to prevent domestic violence, and to use the litigation process to continue to abuse and create hardship for their victims. FVAP annually reviews hundreds of legal cases involving survivors of domestic violence. In FVAP’s experience, most restrained parties’ requests for modification or termination are not based on an acknowledgement of responsibility for the abuse, successful efforts to change or meaningful changes in circumstances that will protect the victim. Instead they are meant to attack the order itself, to center the abuser as a victim, and to drag the survivor through additional</p>	

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

SPR24-24

Protective Orders: Rule and Form Changes to Implement SB459 (amend Cal. Rules of Court, rule 5.92; adopt forms DV-300, DV-305, DV-310, DV-315, DV-316, DV-320, DV-325, and DV-330; approve form DV-300-INFO; revise forms FL-300, FL-300-INFO, FL-320, and FL-320-INFO; revoke forms DV-400 and DV-400-INFO)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
			<p>litigation. The use of litigation as a tool of abuse is well-recognized and can be a form of coercive control which is abuse under the Domestic Violence Prevention Act (DVPA), and was recognize in AB 2391*(citation omitted) which was enacted in 2022 to address the enhanced vulnerability of parties protected by a DVRO to litigation abuse. There is of course a legal standard for modification or termination of a restraining order (Code Civ. Proc., § 533; Loeffler v. Medina (2009) 174 Cal.App.4th 1495). In correctly applying that standard, a trial court could prevent a restrained party from actually prevailing on a baseless or bad faith request for termination or modification. However, the proposed forms would make it easier for such motions to be filed repeatedly by restrained parties and denying the requests would not undo the harm to survivors of being brought into court for these requests and the continued pressure to defend the individual orders within the restraining order. As noted in the Invitation to Comment, specific forms such as the DV-105 are intended for and designed to be used by a protected party or a party seeking protection. As further examples, the DV-700 Request for Renewal of a Restraining Order and DV-700-INFO are for use by survivors of domestic violence who have legal protection to renew their restraining orders. The forms are designed to reduce the burdens on survivors to request a renewal and to obtain information important to a</p>	

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

SPR24-24

Protective Orders: Rule and Form Changes to Implement SB459 (amend Cal. Rules of Court, rule 5.92; adopt forms DV-300, DV-305, DV-310, DV-315, DV-316, DV-320, DV-325, and DV-330; approve form DV-300-INFO; revise forms FL-300, FL-300-INFO, FL-320, and FL-320-INFO; revoke forms DV-400 and DV-400-INFO)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
			<p>trial court determining the request to renewal. Similarly, to effectuate the purpose of SB 459, distinct forms, and particularly distinct information forms, need to be designed to reflect the unique circumstances of a protected party seeking to modify or terminate a restraining order or to respond to an effort by the restrained party to terminate or modify an order including questions tailored to those circumstances. Notably, nothing in the process of developing and enacting SB 459 referenced any difficulty restrained parties had in navigating or filing for modification or termination using already available forms. They do not need nor does SB 459 require they have the same forms as a protected party (FVAP would not object to separate forms for restrained parties to use). This is a recognition that restrained parties who seek a modification or termination of a restraining order even in good faith do so for very different reasons than protected parties. The fact that previously both types of parties had to use the same forms does mean the practice should continue given the opportunity to create different forms particularly where these new forms provide unintended advantages to restrained parties' requesting modification or termination.</p>	
			<p>While generally FVAP believes these forms should be redrafted, to the extent that aspects of them are kept or if, unfortunately, the Council decides to go forward with these forms in spite of the unintended consequences, I have made some</p>	<p>In light of comments received, the committee recommends providing a narrative format on form DV-300 and has clarified on the form that the court cannot end or change a restraining order on the request of the restrained person without proper</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

SPR24-24

Protective Orders: Rule and Form Changes to Implement SB459 (amend Cal. Rules of Court, rule 5.92; adopt forms DV-300, DV-305, DV-310, DV-315, DV-316, DV-320, DV-325, and DV-330; approve form DV-300-INFO; revise forms FL-300, FL-300-INFO, FL-320, and FL-320-INFO; revoke forms DV-400 and DV-400-INFO)

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	Commenter	Position	Comment	Committee Response
			<p>limited but not exhaustive comments on some the forms. DV-300, Request to Change of End Restraining Order</p> <p>A DVRO can include more than 25 separate items of relief that are available, in addition to any other necessary orders, to effectuate the purpose of the DVPA. Each of these items has been carefully identified by the Legislature as a potential barrier to resolving domestic violence. While survivors who request restraining orders make choices about the types of relief they seek, these forms of relief do not operate in a vacuum but wholistically to provide protection from the broad harms of domestic violence. For a survivor requesting a DVRO, each of these items has its own number and some explanation of what such a request can accomplish. These are important to help a survivor determine what requests are right for them. In spite of this, in FVAP’s experience survivors still miss boxes that otherwise they clearly intended to check off or have inconsistencies between forms where an item that should be checked off in both is not.</p> <p>In contrast a survivor seeking to modify a restraining order will likely have a specific idea of the changes they seek and the explanation for why these changes are important to their safety and well-being. The current DV-300 is formatted in</p>	<p>notice to the protected person, and a court hearing, as required under Family Code section 6345(d).</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

SPR24-24

Protective Orders: Rule and Form Changes to Implement SB459 (amend Cal. Rules of Court, rule 5.92; adopt forms DV-300, DV-305, DV-310, DV-315, DV-316, DV-320, DV-325, and DV-330; approve form DV-300-INFO; revise forms FL-300, FL-300-INFO, FL-320, and FL-320-INFO; revoke forms DV-400 and DV-400-INFO)

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	Commenter	Position	Comment	Committee Response
			<p>the style of a request with a checklist of items in no. 4 that use the broad terms of the DVRO order items but do not reflect the significant underlying details, how they interrelate or what it would mean, for example, to end the “Order Not to Abuse.” For a survivor seeking a modification, a better approach would be similar to the approach for the DV-700 where a survivor is asked to provide a narrative. This would make it easier for them to lay out specific changes they need without having to check individual boxes on the broader orders as a whole. The form could then to a space such as item 6 for a narrative explanation of why the survivor wants to change those orders.</p> <p>In contrast, the current form as proposed gives a restrained party seeking to modify a restraining order an easy checklist of individual orders they can seek to remove. The result will be the survivor having to defend individually each and every request for modification potentially over multiple requests.</p> <p>It is also concerning that these forms permit both parties to request ex parte modifications to restraining orders. This approach does not account for the clear differences between a protective party seeking additional protection and a restrained party seeking lesser protections or seeking to implicate the protected party’s parenting. In FVAP’s experience restrained parties use the ex</p>	

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SPR24-24

Protective Orders: Rule and Form Changes to Implement SB459 (amend Cal. Rules of Court, rule 5.92; adopt forms DV-300, DV-305, DV-310, DV-315, DV-316, DV-320, DV-325, and DV-330; approve form DV-300-INFO; revise forms FL-300, FL-300-INFO, FL-320, and FL-320-INFO; revoke forms DV-400 and DV-400-INFO)

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	Commenter	Position	Comment	Committee Response
			<p>parte process in bad faith including claims about “harm” to the child to great effect and in stark contrast to the experience of protected parties seeking to prevent an actual risk of harm. Providing this option generally in the same form in the same way to both parties is concerning absent more direct reflection of the needs and feedback from survivors who routinely face barriers and skepticism in their own efforts to have trial courts acknowledge risk and harm while having to face ex parte requests from restrained parties that are taken at face value.</p>	<p>In light of this comment, the committee has added information on the National Domestic Violence Hotline and the California Department of Justice’s Safe at Home program. The committee will monitor implementation and determine if there is a need to revise these forms in the future.</p> <p>The committee did not adopt this suggestion and recommends keeping the number of the form to</p>
			<p>DV-300-INFO, How do I Ask to Change or End a Domestic Violence Restraining Order</p> <p>The DV-300-INFO overall does not sufficiently account for the different information needs of a protected party perhaps seeking to strengthen the protection of their restraining order and a restrained party seeking to end protection, particularly the safety issues involved when a survivor engages in any type of affirmative litigation with a restrained party. The DV-300-INFO makes[sic] does not sufficiently recognize the risks to a survivor of a restrained party seeking to modify or terminate a restraining order including now the potential ability to obtain ex parte orders.</p>	
			<p>DV-310, Notice of Court Hearing and Temporary Order to Change or End Restraining Order</p>	

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SPR24-24

Protective Orders: Rule and Form Changes to Implement SB459 (amend Cal. Rules of Court, rule 5.92; adopt forms DV-300, DV-305, DV-310, DV-315, DV-316, DV-320, DV-325, and DV-330; approve form DV-300-INFO; revise forms FL-300, FL-300-INFO, FL-320, and FL-320-INFO; revoke forms DV-400 and DV-400-INFO)

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	Commenter	Position	Comment	Committee Response
			<p>The primary suggestion for this form is to renumber it DV-309 if possible similar to the DV-109 and DV-709 to continue the Council’s work in creating uniformity and clarity through the use of similar numbers.</p> <p>DV-330, Order on Request to Change or End Restraining Order</p> <p>The format of the order is easier to read and the numbering will make it helpful. However, at item 3b(1) the form only says the restraining order has ended. It is unclear why there is not an item similar to the clear item no. 4 on the DV-400 which explains the status of the child custody, visitation, support and other orders in relation to a modified or terminated restraining order. The invitation to comment does not explain why that information was removed and why there is nothing to replace it in this version of the order. Notwithstanding the general issues with this series of forms, item no. 4 on the DV-400 provided quick guidance on the current status of these critical orders that would be helpful particularly for survivors where they may have requested the termination of a restraining order with the understanding that issues such as supervised visitation or sole custody remain which may be critical to the safety and well-being of their children and themselves.</p>	<p>310, which is consistent with the notice of court hearing form (DV-710) for the renewal process.</p> <p>The committee agrees and recommends allowing the court to indicate the status of any child custody, visitation, and support orders when the restraining order after hearing has been terminated, as shown in the proposed form DV-330, item 4(b)(1).</p>

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SPR24-24

Protective Orders: Rule and Form Changes to Implement SB459 (amend Cal. Rules of Court, rule 5.92; adopt forms DV-300, DV-305, DV-310, DV-315, DV-316, DV-320, DV-325, and DV-330; approve form DV-300-INFO; revise forms FL-300, FL-300-INFO, FL-320, and FL-320-INFO; revoke forms DV-400 and DV-400-INFO)

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	Commenter	Position	Comment	Committee Response
			<p>Family Law Rule and Forms Proposal</p> <p>California Rule of Court 5.92 amendment</p> <p>While the rule should not be amended reflect the current version of the DV-300, the rule will of course need to be amended with the new form name. A recommendation would be to change the wording for clarity to “must be used to request a modification or termination of all orders made in a Restraining Order After Hearing (form DV-130).”</p>	<p>The committee agrees that the rule should provide more guidance about the specific forms that must be used to request a modification or termination of the restraining order. Instead of the language proposed by the commenter, the committee recommends that rule 5.92(a) be subdivided into 5.92(a)(2)(A) and (B) to reflect what forms (either form DV-300 or form FL-300) must be filed when a party seeks to modify orders in form DV-130 in two situations: (1) when the restraining order is still in effect and (2) when the party wants to modify orders for child custody, child support, spousal or domestic partner support, or property orders that have remained in effect <i>after</i> the restraining order in form DV-130 expired.</p>
			<p>FL-300, Request for Order; FL-300-INFO-Information Sheet for Request for Order; FL-320 Responsive Declaration to Request for Order; FL-320-INFO Information Sheet: Responsive Declaration to Request for Order</p> <p>The changes to these forms make sense and are helpful.</p>	<p>No response required.</p>
			<p>Revoking DV-400, Findings and Order to Terminate Restraining Order After Hearin; DV-400-INFO, How do I Ask to Change or End a</p>	<p>The committee agrees and recommends revoking these two forms.</p>

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SPR24-24

Protective Orders: Rule and Form Changes to Implement SB459 (amend Cal. Rules of Court, rule 5.92; adopt forms DV-300, DV-305, DV-310, DV-315, DV-316, DV-320, DV-325, and DV-330; approve form DV-300-INFO; revise forms FL-300, FL-300-INFO, FL-320, and FL-320-INFO; revoke forms DV-400 and DV-400-INFO)

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	Commenter	Position	Comment	Committee Response
			<p>Domestic Violence Restraining Order After Hearing?</p> <p>SB 459 recognized the need to change the existing approach to modify a restraining order in order to provide survivors with needed clarity and support. To effectuate the law, the DV-400 and DV-400-INFO forms should be revoked.</p> <p>2. Are there other circumstances in which a court might have the legal authority to issue temporary (ex parte) orders as part of a requested change or end to a domestic violence restraining order after hearing, that should be added to those listed on form DV-300, item 5.?</p> <p>As noted above, the use of these forms to facilitate ex parte orders without providing distinctions and safeguards for protected parties needing the immediate relief of a temporary modification versus restrained parties who abuse the ex parte process to make claims including generalized claims around harm to a child is concerning. Adding more options to this process absent the distinction is not advised.</p> <p>* Commenter thanks committee for the work reflected in the proposal) The general goal of creating a clear efficient process for modification or termination of restraining orders, understanding the specific difficulties survivors face in this process, is</p>	<p>The committee has included an instruction to this item to include the service requirements that apply to the restrained person under Family Code section 6345(d).</p>

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Protective Orders: Rule and Form Changes to Implement SB459 (amend Cal. Rules of Court, rule 5.92; adopt forms DV-300, DV-305, DV-310, DV-315, DV-316, DV-320, DV-325, and DV-330; approve form DV-300-INFO; revise forms FL-300, FL-300-INFO, FL-320, and FL-320-INFO; revoke forms DV-400 and DV-400-INFO)

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	Commenter	Position	Comment	Committee Response
			appreciated. However, we believe the proposed new forms as written will not realize the intent and purpose of the bill and could create greater difficulties for survivors. A return to the drawing board with the goal of creating distinct forms for protected parties and restrained parties for this particular type of request and response would both meet the purpose of the bill and most importantly the purpose of the DVPA generally: to prevent abuse.	
4.	Orange County Bar Association by Christina Zabat-Fran, President	A	Proposes adopting nine new DV restraining order forms, to allow parties to request to change or end a DV restraining order. Incorporates proposed changes into existing court forms and Rule of Court 5.92.	No response required.
			Does the proposal appropriately address the stated purpose? Yes.	Thank you for reviewing this proposal.
			Are there other circumstances in which a court might have the legal authority to issue temporary (ex parte) orders as part of a request to change or end a domestic violence restraining order after hearing, that should be added to those listed on form DV-300, item 5? Unaware of other circumstances in which a court would have legal authority to issue temporary	In light of comments received, the committee has clarified that the court cannot change or end a restraining order on the restrained person’s request, without proper notice to the protected person and a court hearing, as required under Family Code section 6345(d).

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

SPR24-24

Protective Orders: Rule and Form Changes to Implement SB459 (amend Cal. Rules of Court, rule 5.92; adopt forms DV-300, DV-305, DV-310, DV-315, DV-316, DV-320, DV-325, and DV-330; approve form DV-300-INFO; revise forms FL-300, FL-300-INFO, FL-320, and FL-320-INFO; revoke forms DV-400 and DV-400-INFO)

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	Commenter	Position	Comment	Committee Response
			orders aside from those listed on form DV-300, item 5.	
5.	Superior Court of Los Angeles County by Bryan Borys, Director of Research and Data Management	AM	The following comments are representative of the Superior Court of California, County of Los Angeles (Court), and do not represent or promote the viewpoint of any particular judicial officer or employee. The Court agrees with the proposal in SPR24-24, “Protective Orders: Rule and Form Changes to Implement Senate Bill 459” if it is modified to allow more time for implementation. Six months are needed to update guided interview applications for trial courts that utilize them.	No response required. The committee does not recommend delaying implementation as SB 459 requires that new forms be available no later than January 1, 2025.
6.	Superior Court of Orange County (no name provided)	NI	Does the proposal appropriately address the stated purpose? Yes, the proposal appropriately addresses the stated purpose. Are there other circumstances in which a court might have the legal authority to issue temporary (ex parte) orders as part of a request to change or end a domestic violence restraining order after hearing, that should be added to those listed on form DV-300, item 5? There are no other circumstances or legal authorities then those as stated in the proposal.	Thank you for reviewing this proposal. In light of comments received, the committee has clarified that the court cannot change or end a restraining order on the restrained person’s request, without proper notice to the protected person and a court hearing, as required under Family Code section 6345(d).

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

SPR24-24

Protective Orders: Rule and Form Changes to Implement SB459 (amend Cal. Rules of Court, rule 5.92; adopt forms DV-300, DV-305, DV-310, DV-315, DV-316, DV-320, DV-325, and DV-330; approve form DV-300-INFO; revise forms FL-300, FL-300-INFO, FL-320, and FL-320-INFO; revoke forms DV-400 and DV-400-INFO)

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	Commenter	Position	Comment	Committee Response
			<p>Would the proposal provide cost savings? If so, please quantify.</p> <p>No, the proposal does not appear to provide any cost savings.</p>	<p>Thank you for your response.</p>
			<p>What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?</p> <p>Implementation would require revising procedures, providing communication to judicial officers and staff, conducting staff training (approximately 2-4 hours), and updating the case management system.</p>	<p>Thank you for your response.</p>
			<p>Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</p> <p>Yes, three months would provide sufficient time for implementation in Orange County.</p>	<p>The committee agrees that three months would provide sufficient time to implement this proposal.</p>
			<p>How well would this proposal work in courts of different sizes?</p> <p>Our court is a large court, and this could work for Orange County.</p>	<p>Thank you for your response.</p>

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Protective Orders: Rule and Form Changes to Implement SB459 (amend Cal. Rules of Court, rule 5.92; adopt forms DV-300, DV-305, DV-310, DV-315, DV-316, DV-320, DV-325, and DV-330; approve form DV-300-INFO; revise forms FL-300, FL-300-INFO, FL-320, and FL-320-INFO; revoke forms DV-400 and DV-400-INFO)

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	Commenter	Position	Comment	Committee Response
7.	Superior Court of San Diego County by Mike Roddy, Executive Officer	AM	Does the proposal appropriately address the state purpose? Yes.	Thank you for responding to this proposal.
			Are there other circumstances in which a court might have the legal authority to issue temporary (ex parte) orders as part of a request to change or end a domestic violence restraining order after hearing, that should be added to those listed on form DV-300, item 5? Yes. A protected party may want to add a child to a domestic violence restraining order after hearing who was not previously made an additional protected party and/or for whom custody orders were not made. These circumstances may arise on an emergency basis in some cases.	The committee agrees that adding an additional protected person may be granted on an ex parte basis and notes that the form allows this request to be made. Also, in light of comments received, the committee has clarified that the court cannot change or end a restraining order on the restrained person’s request, without proper notice to the protected person, as required under Family Code section 6345(d).
			Would the proposal provide cost savings? If so, please quantify. No.	Thank you for your response.
			What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? Implementation will require updating the case management system, local packets, and procedures	Thank you for your response.

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Protective Orders: Rule and Form Changes to Implement SB459 (amend Cal. Rules of Court, rule 5.92; adopt forms DV-300, DV-305, DV-310, DV-315, DV-316, DV-320, DV-325, and DV-330; approve form DV-300-INFO; revise forms FL-300, FL-300-INFO, FL-320, and FL-320-INFO; revoke forms DV-400 and DV-400-INFO)

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	Commenter	Position	Comment	Committee Response
			to include new/revised forms and training business office and courtroom staff.	
			Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes, provided the final versions of the forms are provided to the court at that time. This will ensure the court is able to provide training to staff, update its internal procedures and local packets, and obtain printed stock.	Thank you for your response. The committee agrees that three months would provide sufficient time to implement this proposal. Programmed pdf forms are typically available a few weeks before the effective date of the form. However, the final version which reflects the content of the new form would be available in September of 2024, once approved by the Judicial Council.
			How well would this proposal work in courts of different sizes? This proposal should work well, regardless of the size of the court.	Thank you for your response.
			FL-300-INFO: Item 2, first bullet: Propose replacing the exclamation point in the first sentence with a period.	The committee recommends that the form be revised as suggested by the commenter.
			DV-300: Items 5 and 6: Propose separating termination and modification into separate subsections. The example circumstances listed under item 5 apply to emergency modifications of a restraining order, but not necessarily terminations. Generally the court should not terminate a restraining order after hearing on an immediate, ex parte basis.	The committee does not recommend creating separate items for modification and termination. However, in light of this and other comments, the committee has clarified that the court cannot change or end a restraining order on the restrained person’s request, without proper notice to the protected person and a court hearing, as required under Family Code section 6345(d).
8.	Superior Court of Ventura County	NI	1. We recommend adding additional information on the DV-300-INFO under “What if I want to	The committee has made this change.

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	Commenter	Position	Comment	Committee Response
	by Amy Turner, Family Law Manager, Tracy Jones, Family Law Supervisor, and Julie Dransart, Deputy Executive Officer		change child custody orders?” to more clearly state the FL-300 must be used to make a request to modify child custody orders included in the DV-130 if the restraining order has expired. The same information should be stated clearly on the revised FL-300 in the new Note on page one. This is a confusing process for self-represented litigants, and this information will be helpful to them to understand the forms that must be used.	The committee agrees and has included the information in form DV-300-INFO and form FL-300-INFO.
2. Section 5 of the DV-300 allows the requesting party to tell the judge if they are asking for immediate changes to the DV-130 but the DV-310 only has a box to grant or deny the immediate/temporary orders and does not provide a place for the judge to indicate that no immediate/temporary orders have been requested. Can a new check box selection be added to indicate that there are no immediate/temporary orders requested pending the hearing.		The item for Court’s Decision on Request for Temporary Orders is an optional item. The court would check the item if a request has been made. If a request for temporary orders has not been made, then this item would not be checked.		
3. Can the DV-330 be modified to allow it to be used to request termination or modification of a temporary restraining order that is in effect? There are currently no forms to make such a request and the court has often experienced attorneys using the DV-400 with modifications to present to a judge for signature to make these orders. If the DV-330 cannot be modified to include temporary orders, can a new form be created for this purpose?		The committee did not adopt this suggestion as it is beyond the scope of this proposal. The committee will consider, as time and resources allow, whether a form or set of forms should be developed for purposes of terminating a temporary restraining order.		

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	Commenter	Position	Comment	Committee Response
			<p>4. DV-316 on Page 3, Instructions to Clerk needs to be revised to provide that the DV-116 is required to be entered into CLETS, etc. only if the court has granted temporary modifications to the DV-130 pending the hearing. If there are no modifications to the DV-130 pending the hearing, the DV-316 does not need to be entered into CLETS.</p>	<p>The instruction has been changed to reflect that the order must be entered into CLETS only if temporary orders were made on form DV-310.</p>
			<p>5. Should the last page of the DV-310 and DV-330 above the date for the signature read Judge or Judicial Officer’s Signature, the same as listed under the signature line?</p>	<p>The committee uses “Judge’s Signature” for the heading as “judge” is a term generally understood by laypeople and therefore easier to understand.</p>
			<p>6. This proposal will not provide cost savings to the court.</p>	<p>Thank you for your response.</p>
			<p>The implementation requirements will include training staff responsible for filing the documents and courtroom staff. New training procedures will need to be created and existing procedures must be modified.</p>	<p>Thank you for your response.</p>
			<p>Filing codes and minutes codes will need to be created for the court’s case management system and we recommend allowing 6 months from approval of the proposal to its effective date to provide the courts with enough time to implement.</p>	<p>Thank you for your response.</p>
<p>9.</p>	<p>Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory</p>	<p>AM</p>	<p>The Committee notes that the legislation specifically requires the Judicial Council to “create one of more specific forms for the purpose of requesting a modification of an existing restraining</p>	<p>The committee does not recommend creating a separate set of forms for termination at this time but will monitor implementation and determine if there is a need to revise these forms in the future.</p>

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SPR24-24

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	Commenter	Position	Comment	Committee Response
	Committee (CEAC), Joint Rules Subcommittee.		order.” (Family Code Sec. 6345(e).) The proposed forms include both modification and termination of the existing restraining order. We propose two separate forms be created: one series for modification of existing restraining orders, and forms for termination of an existing order.	
		Family Code section 6345 provides an existing order may be terminated or modified by stipulation. An existing order may be terminated by written stipulation filed with the court or on motion of a party. (Family Code sec. 6345(a).) We propose a form be created for stipulated termination of an existing order for optional use.	The committee will consider this in a future cycle.	
		Termination of an order is much simpler than modification. A Request For Order and Notice, proof of service, Response, and Order after hearing could be tailored for this purpose.	The committee does not recommend creating a separate set of forms for termination at this time but will monitor implementation and determine if there is a need to revise these forms in the future.	
		It appears the proposed orders address termination of the order as a whole, and also termination of specific orders within the order. The same confusion observed with use of the current FL-300 RFO may still exist using this format. Perhaps reaching out to the author of SB 459 or the advocate groups, Community Solutions and Youth Power Project, would be helpful to ensure the proposed forms are what they had in mind.	Yes, the committee recommends one set of forms to address modification and termination of a restraining order after hearing. During the public comment period advocacy groups were provided an opportunity to respond to the proposal. A number of suggestions were made and incorporated into the proposal, as described in this comment chart.	
		A further response concerns the Instructions section of the proposed DV-300 form, specifically the statement that reads: “Do not use this form to	The committee agrees and has revised the instruction to state that the form should not be	

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SPR24-24

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	Commenter	Position	Comment	Committee Response
			ask to change orders if the order you want to change or end was not granted as part of your restraining order.” This is confusing. A person may be seeking to add an order that was not granted as part of the current restraining order. A change of circumstances has resulted in a person seeking to modify an order for a number of reasons that are set out in the proposed forms.	used to ask for to change or end orders made in a separate family law case.

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