



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: April 14–15, 2016

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Title	Agenda Item Type
Domestic Violence: New and Updated Forms to Reflect Recent Legislative Changes for Restraining Orders	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Adopt forms DV-805, DV-900, DV-901; approve form DV-815; revise forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130	July 1, 2016
Recommended by	Date of Report
Family and Juvenile Law Advisory Committee	March 21, 2016
Hon. Jerilyn L. Borack, Cochair	Contact
Hon. Mark A. Juhas, Cochair	Frances Ho, Attorney, 415-865-7662 <a href="mailto:frances.ho@jud.ca.gov">frances.ho@jud.ca.gov</a>

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### Executive Summary

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council adopt, approve, or revise nine forms to implement legislative changes made to the Domestic Violence Prevention Act. Family Code sections 6305(a)(1), 6347(f), and 6343(b)(2) require the Judicial Council to develop or modify rules and forms to implement (1) a new remedy which will provide the court with the authority to transfer a wireless phone number from the restrained person to the protected person, (2) additional requirements when the court orders the restrained person to complete a batterer intervention program, and (3) notice of a new requirement in matters involving mutual restraining orders. These changes must be implemented by July 1, 2016.

## **Recommendation**

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective July 1, 2016:

1. Adopt and revise forms used to request and order the transfer of wireless telephone numbers(s):
  - a. Adopt form DV-900 as the court order directed at the wireless service provider to transfer wireless telephone number(s);
  - b. Adopt form DV-901 as a mandatory form for use by protected persons to provide contact information to the wireless service provider;
  - c. Revise form DV-100 to include a request to transfer wireless telephone number(s), and make technical and minor substantive changes in response to suggestions received during the public comment period and suggestions made by the committee;
  - d. Revise form DV-120 to include a response to a request to transfer wireless telephone number(s); and
  - e. Revise forms DV-110 and DV-130 to include the court order to transfer wireless telephone number(s), and make technical and minor substantive changes in response to suggestions received during the public comment period and suggestions made by the committee.
  
2. Adopt, approve, and revise forms used to order and report compliance with a court's order to complete a batterer intervention program:
  - a. Adopt form DV-805 as a mandatory form for use by restrained persons ordered to complete a batterer intervention program;
  - b. Approve form DV-815 as an optional form for use by restrained persons ordered to report to the court on progress; and
  - c. Revise form DV-130 to include all orders statutorily mandated by Family Code section 6343.
  
3. Revise forms to provide notice required under Family Code section 6305:
  - a. Revise form DV-120 and DV-120-INFO to reference other forms for more information on how to seek a domestic violence restraining order; and
  - b. Revise form DV-120-INFO to make substantive changes in response to suggestions received during the public comment period.

The proposed new and revised forms are available at pages 63 through 93.

## **Previous Council Action**

Under the Domestic Violence Prevention Act (DVPA), the Judicial Council must provide forms and instructions for use in domestic violence restraining order matters. The forms have been revised when changes to the law required revisions and to respond to suggestions made by the

public, judicial officers, and court professionals. In 2014, forms DV-100, DV-110, DV-120, DV-120-INFO, and DV-130 were revised to reflect several changes to the law. In October 2015, the Judicial Council approved revisions to form DV-130 that take effect on July 1, 2016. This proposal includes additional revisions to form DV-130 to implement recent changes to the law which, if approved, would also take effect on July 1, 2016.

### **Rationale for Recommendation**

The recommendation adopts, approves, or revises forms used in DVPA matters to implement recent changes to the law that require revisions to some of the same forms. A summary of the legislation is provided below. For the forms requiring revisions, the committee also recommends making technical and minor substantive changes including changes suggested during the comment process.

### **Rights to wireless telephone number**

Assembly Bill 1407 (Stats. 2015, ch. 415) added section 6347 to the Family Code effective January 1, 2016, with a delayed implementation date of July 1, 2016. The new remedy allows the person seeking protection to ask the court to transfer the rights to a wireless telephone number to him or her and the rights to wireless telephone numbers of any children in the requesting person's care. If granted, the court would issue an order, directing the wireless telephone service provider (provider), to transfer all billing responsibilities and rights associated with the telephone numbers to the protected person. The protected person would also have to provide his or her contact information to the provider, which the court must ensure is not provided to the account holder (restrained person) in these proceedings.

To implement Family Code section 6347, the committee recommends adding a new item (see form DV-100, item 18(c)) to allow a requesting party to seek transfer of an existing wireless telephone account used by the requesting party or by a child in the requesting party's care. In addition, the committee recommends adding items 18(a) and 18(b) to form DV-100, to provide the requesting party with the ability to seek temporary property control of a mobile device(s) and telephone number(s); and/or request that the other party continue to make payments on the telephone account. Requests for property control and debt payment are remedies that are already available in DVPA matters under Family Code section 6324 (see items 14 and 15 on form DV-100). Because it may not be obvious to self-represented litigants that these other remedies could relate to a request to transfer of a wireless telephone account, the committee recommends including these under item 18.

Consistent with other items on the DV forms, this new item is also numbered as item 18 on form DV-110, *Temporary Restraining Order*, form DV-120, *Response to Request for Domestic Violence Restraining Order*, and form DV-130, *Restraining Order After Hearing*.

Family Code section 6347(b)(1) requires that the order transferring responsibility for the telephone account be a separate order that is directed at the provider. Because the statute requires a separate order directed at the provider, there is no other domestic violence order form that

could be used for this purpose. Therefore, the committee recommends adopting form DV-900, *Order Transferring Wireless Phone Account*, for mandatory use.

Because Family Code section 6347(b)(1) requires that the order include the new account holder's (protected person's) contact information and requires the court to ensure that the information is not provided to the restrained person in these proceedings, the committee recommends the adoption of form DV-901, *Attachment to Order Transferring Wireless Phone Account*. Form DV-901 is an attachment to form DV-900 that would not be filed with the court. Once form DV-900 is issued by the court, the protected person would complete form DV-901, attach it to form DV-900, and serve it on the provider.

### **Batterer intervention program**

Assembly Bill 439 (Stats. 2015, ch. 72) amended section 6343 of the Family Code effective January 1, 2016, with a delayed implementation date of July 1, 2016. Under the new provisions of section 6343, a restrained person ordered to complete a batterer intervention program will also have to (1) enroll with a provider by a deadline ordered by the court or within 30 days of the court order if no specific deadline is ordered; (2) sign all necessary forms with the program to allow the court and protected person access to proof of enrollment, attendance records, and completion and termination reports; and (3) provide the court and protected person with the name, address, and telephone number of the program.

The committee recommends adopting and approving two new forms to implement the new provisions of the law. Form DV-805, *Proof of Enrollment for Batterer Intervention Program*, will be completed by restrained persons ordered to complete a batterer's program. By completing the form, the restrained person is declaring that he or she has enrolled in an approved program, signed all necessary release forms, and provided the court with the program's name, address, and telephone number. The form also provides the restrained person notice of the requirement to serve information regarding the program on the protected person. To promote uniformity, the committee recommends that this form be adopted for mandatory use.

The committee recommends approving form DV-815, *Batterer Intervention Program Progress Report*, as an optional form for use by restrained persons ordered by the court to report on progress in a batterer's program. Although Family Code section 6343 does not require the restrained person to report on his or her progress in a program with the court, it is the practice of some courts to hold review hearings to review progress, especially when child custody is at issue. If custody is at issue, Family Code section 3044 creates a rebuttable presumption that the restrained person must not have sole or joint custody of the child(ren). Section 3044 requires the court to consider whether the restrained person has successfully completed a batterer's program. Prior to completion of a program, the court may also issue visitation orders. Participation in the program may be a factor that the court considers in deciding what visitation schedule would be in the best interests of the child.

### **Mutual restraining orders**

Assembly Bill 536 (Stats. 2015, ch. 73) amended section 6305 of the Family Code effective January 1, 2016, to require that both parties submit an application for a restraining order as one of the requirements necessary before a court can issue mutual restraining orders. The Judicial Council is required to modify the forms as necessary to provide notice of this new requirement.

The committee recommends revising form DV-120 and DV-120-INFO to provide notice to the responding party that the responsive pleading should not be used to apply for a restraining order and directs the person to other information forms that provide information on how to apply for a restraining order.

### **Other changes**

In addition to the changes necessitated by recent legislation, the committee recommends the following changes based on suggestions received during the comment period and from committee review during this cycle:

#### ***Form DV-100***

- At item 4(g), correct an error on the form. At this item, the applicant is directed to attach a separate sheet of paper if more children need to be listed and title the page “Additional Protected People.” This is incorrect; the title should be “Additional Children.”
- At item 5, change this item to require the applicant to also provide information on any restraining order that has expired in the last six months, date of issuance and expiration of any restraining order listed, and add an emergency restraining order as an example of a restraining order that should be reported to the court. Also, change the title of the item to include both sub-items.
- In response to a public comment, the committee recommends renumbering the sub-items in item 27.

#### ***Form DV-110***

- At item 7(a), list persons and places to be protected in the same order as form DV-100.

#### ***Form DV-120***

- At item 4, provide space for the responding party to explain the relationship between him or her and the applicant, when the relationship is disputed.
- At items 5 through 11 and 14 through 23, provide the responding party with the option of listing orders that he or she would agree to.
- At item 9, remove checkbox that precedes the title. Firearms and ammunition restrictions must be made in every case unless the court grants an exemption under Family Code section 6389.

#### ***Form DV-120-INFO***

- Change format to two columns to improve readability and to be consistent with other 120-INFO forms used in civil restraining order proceedings.

- Remove section titled “Can I bring a witness or other document to the court hearing?” Instead, include reference to form DV-520-INFO, *Get Ready for the Restraining Order Court Hearing*.
- Remove section titled “What if I do not have a Green Card or U.S. Citizenship?” and include this information under section titled “What if I don’t obey the order?”
- Remove sections “What if the person seeking protection contacts me?” and “If we agree, can the person seeking protection and I cancel the order?” The information contained on this form makes clear that any temporary orders made remain in effect until the end of the hearing, must be followed, and can result in consequences if not obeyed. These sections are unnecessary.

***Form DV-130***

- At item 7(a), list persons and places to be protected in the same order as forms DV-100 and DV-110.

**Comments, Alternatives Considered, and Policy Implications**

The proposal was circulated to the standard mailing lists for family and juvenile law proposals during the regular winter comment cycle from December 11, 2015, through January 22, 2016. The proposal was also sent to legal aid attorneys and attorneys working for domestic violence victim support agencies in the greater San Francisco Bay Area, the California Department of Justice (DOJ), immigration attorneys, and wireless service providers. Fifteen individuals or organizations submitted comments on the proposal. Two agreed with the proposal, eight agreed with the proposal if modified, five did not indicate a position, and none did not agree with the proposal. A chart presenting the comments and the committee’s responses is attached at pages 11 through 62. The Family and Juvenile Law Advisory Committee discussed this proposal and key issues raised by commentators on February 18, 2016, and February 25, 2016.

**Comments for rights to wireless telephone number proposal**

Under Family Code section 6347, the court will have the authority to transfer the rights to wireless telephone numbers from one party to another. The new law does not specify the details of the transfer but states that the new account holder assumes all financial responsibility for the number(s) and costs for any mobile device associated with the number(s). Commentators raised concerns over the fees and costs that the new account holder may be responsible for. Some commentators recommend specifying in the order that the new account holder is only responsible for future charges. Two commentators recommend providing the new account holder with the right to request a statement of rights and responsibilities and the right to cancel the order for transfer. One commentator recommended including an information section at the end of the order that advises the provider how to respond and the time frame to respond.

Because this remedy is new and requires actions by a third-party (provider), the committee understands that the process may be challenging for litigants to navigate, especially self-represented litigants. As information becomes available that can help litigants through this process, the committee recommends providing information on the “Self-Help” section of the

Judicial Council website and may recommend the adoption of an information sheet in the future, if needed. However, commentators' suggestions to include the ability of the requesting party to (1) cancel an order after it is issued, (2) demand a statement of rights and responsibilities from the provider, and (3) limit the new account holder's financial liability to future costs are outside the scope of this proposal as they are not provided for under the new law. Additionally, the committee does not recommend advising providers on how to respond or the time frame in which to respond as they are not provided for under the statute. The statutory requirements applicable to service providers is provided on page 2 of form DV-900.

### **Comments for batterer intervention program proposal**

The proposal to implement the new requirements under 6343 included the adoption of forms DV-805 and DV-815. The committee sought specific comment on whether the forms, if adopted, be optional or mandatory.

#### ***Form DV-805***

If adopted, nine commentators recommended that the form DV-805 be a mandatory form, one commentator recommended that the form be optional, four did not indicate a position, and one believed that a form that includes the mandates of AB 439 should be mandatory, noting that two items included in form DV-805 are not required under the new statute (date of first class and compliance with other orders made by the court). The Legal Aid Foundation of Los Angeles noted that providing a form "would restrict the information the restrained party would legitimately be able to send to Petitioner. Otherwise, the Respondent would be able to send any type of correspondence to the Petitioner under the guise of notice of enrollment."

The committee agrees with the majority of commentators and recommends the adoption of form DV-805 as a mandatory form. The new requirements under Family Code section 6343 require the restrained person to provide information to the court and protected person at a future point in time. Providing a form will allow the restrained person to comply with the requirements while providing notice to the court and protected person in a uniform way. The committee recommends including the two items on the form (date of first class and compliance with other orders made by the court) that are not required by the statute but notes that these items are preceded by a checkbox, and responding to the questions is optional.

#### ***Form DV-815***

If adopted, seven commentators indicated that form DV-815 be a mandatory form. One commentator recommended that form DV-815, if adopted, be an optional form. Two commentators believe that there should not be a form created for the purpose of reporting a restrained person's progress to the court. One of these commentators was FLEXCOM, the sponsor of the bill. FLEXCOM states that the bill was not intended to create an affirmative obligation on the restrained party to seek a report from the program.

While Family Code section 6343 does not require an affirmative obligation on the part of the restrained person to report on compliance, the committee recognizes that restrained persons may

be ordered by courts to report on compliance and, for this reason, recommends that form DV-815 be adopted and available for optional use. For example, courts may set regular review hearings to monitor compliance and/or review compliance for purposes of overcoming the presumption against custody under Family Code section 3044. Having an optional form available to litigants and courts will promote access to the court process and uniformity.

### **Comments for mutual restraining orders proposal**

In the Invitation to Comment, the committee proposed to include language regarding the specific findings and requirements needed for a court to issue mutual restraining orders. One commentator indicates that providing the legal requirements for mutual restraining orders is unnecessary and too complicated and recommends a simple admonishment to use the application form if the person wants to request a restraining order. Another commentator noted that providing information on mutual restraining orders may increase the number of restraining orders requested by responding parties.

The committee agrees with the issues raised by commentators noted above and recommends revising form DV-120-INFO to include a simple admonishment to not use the responsive pleading, form DV-120, to request a restraining order. The language and formatting has also been revised to be more consistent with other 120-INFO forms (civil harassment, elder abuse).

### **Alternatives considered**

#### ***Rights to Wireless Telephone Number***

The committee discussed the challenges that could arise in granting an order of this kind. The statute does not provide a time frame for which service providers must transfer the account once it has received the order. Because the court will not have control over when the transfer will occur, one concern raised is the possibility of the old account holder misusing the account and incurring costs on the account that the new account holder will be responsible for. The committee considered the following possibilities:

- **Option 1.** Include a place for the court to indicate a date for which the new account holder becomes financially responsible.
- **Option 2.** Include the following language, “The person in 2b (protected person) will be financially responsible for the accounts listed in 3 on the date the account is transferred by the service provider.”

A majority voted in favor of option 1. A minority found option 1 problematic because service providers may not be able to comply with the account transfer by the date ordered and indicated that the language in option 2 would avoid problems with enforcement of the order. The minority also emphasized that the court does not have jurisdiction over the service provider and therefore does not have the power to compel compliance; the service provider is not a party to the action. Because the points on both sides are valid, the committee recommends providing both options on the form and allowing courts to decide.



### ***Batterer intervention program***

The committee considered not recommending approval of form DV-815. However, the committee believes that the form will provide access and uniformity to the court process for courts that review compliance.

### ***Mutual restraining orders***

As stated above, the committee considered providing information regarding the specific legal requirements unique to mutual restraining order requests but agreed with commentators that this language is unnecessary.

### ***Advisory on potential immigration consequences***

In response to suggestions made by judicial officers with experience in domestic violence cases the committee proposed to include a notice to the restrained person that violation of a protective order may result in immigration consequences because notice of this kind would help preserve the integrity of court orders by properly notifying the restrained person of the possible consequences of violating domestic violence restraining orders. If recommended, this notice would be included on the “Warnings and Notices to the Restrained Person” section of forms DV-110 and DV-130.

The committee sought specific comment on whether the proposed language is accurate. Two commentators stated that the language is not accurate because the use of the phrase “the court” suggests that the state court would be responsible for imposing immigration consequences. They recommended revising the language to clarify that the state court does not have jurisdiction over immigration matters.

One commentator cautioned that the language must be carefully balanced because while the information could help deter violations, it could also deter immigrant survivors from coming forward and requesting a restraining order. Another commentator indicated that the court does not have expertise or jurisdiction over immigration issues and therefore should not include an advisory regarding immigration consequences.

Based on the public comments received and the lack of statutory authority requiring this type of notice, the committee does not recommend including an advisory on the potential immigration consequences of violating a domestic violence protective order. The committee agrees that including an advisory of this kind should be carefully weighed against the unintended negative consequence of “chilling” a domestic violence victim from seeking protection.

### **Implementation Requirements, Costs, and Operational Impacts**

The committee anticipates that this proposal will result in some costs incurred by the courts to replace existing forms, make changes to case management systems and document assembly programs, and to train court staff on new forms and requirements. The committee also anticipates that the new and revised forms will save resources for the courts in the long term by providing litigants and third-party service providers with accurate information and orders. These remedies

are newly mandated by statute and will be extremely difficult with which to comply without court forms to set out the requests and process.

### **Relevant Strategic Plan Goals and Operational Plan Objectives**

The recommendations in the report support the policies underlying Goal I, Access, Fairness, and Diversity, because providing forms and orders that can be used statewide promotes uniformity and access to the court process, especially for self-represented litigants.

### **Attachments and Links**

1. Chart of comments, at pages 11–62.
2. Judicial Council forms DV-100, DV-110, DV-120, DV-120-INFO, DV-130, DV-805, DV-815, DV-900 and DV-901, at pages 63–93.
3. AB 1407 is available online at:  
[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160AB1407](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB1407).
4. AB 439 is available online at:  
[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160AB439](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB439).
5. AB 536 is available online at:  
[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160AB536](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB536).
6. The Invitation to Comment is available online at:  
<http://www.courts.ca.gov/documents/W16-05.pdf>.

**ITC W16-05**

**Domestic Violence Restraining Orders: New and Updated Forms to Reflect Recent Legislative Changes**

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

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
1.	California Partnership to End Domestic Violence By Krista Niemczyk, Public Policy Manager	NI	<p><b>Mutual Restraining Orders</b> 1. On page 3 of the DV-120-INFO, the proposed added language states that mutual restraining orders can only be issued if: “(1) Both people are in court at the hearing; (2) Each person gives the court written evidence of abuse or domestic violence on Form DV-100; and (3) The judge finds that neither party acted primarily in self-defense and both acted as “primary aggressors.” The “primary aggressor” language can be challenging because it can lead to misconceptions about what constitutes aggression and abuse in domestic violence cases. The mutual restraining order law (Family Code 6305) states the court has to find that “both parties acted primarily as aggressors and that neither party acted primarily in self-defense.” Saying that a person had to primarily be acting as an aggressor is not the same as saying they were a “primary aggressor.” We therefore propose that the new language should mirror the statutory language by stating, “The judge finds that both parties acted primarily as aggressors and neither party acted primarily in self-defense.”</p> <p><b>Rights to Wireless Telephone Number</b> 2. Does the proposed language in DV-100, item 15, adequately provide the requesting person with notice of the financial responsibilities involved in an order of this kind? We believe it is important to advise the person asking for this order that they could also potentially be responsible for past due charges</p>	<p>1. In response to this comment and another commentator’s observation that this information is complex the committee does not recommend including the requirements provided under Family Code section 6305(a)(1) but instead recommends including a simple admonishment to not use form DV-120 to request a restraining order</p> <p>2. The committee believes that the current language sufficiently notifies the requesting party that he/she may be responsible for other fees. The committee does not recommend providing examples of fees or costs that are not provided under the statute.</p>

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			<p>and fees because these could be significant. We recommend that the language in this section should be changed to: <i>If the judge makes this order, you will be financially responsible for these accounts, including monthly service fees and costs . . . . There may be other fees that you will be responsible for, including past due charges and fees.</i></p> <p>3. We further recommend including language advising the protected person that they may have to take additional safety precautions with regards to the restrained party’s ability to monitor and/or track via the electronic device’s GPS, and that a change in billing alone may not resolve this.</p> <p>4. Should form DV-900, if approved, be a mandatory or optional form? If approved, this should be a mandatory form. We believe that one of the implementation challenges of AB 1407 is that it enables a court to issue an order against a third party cell phone service provider without requiring that the provider be joined as a party to the case or giving the provider any notice whatsoever. In the absence of such due process protections, there should, at a minimum, be mandatory forms that ensure that third party cell phone service providers be given adequate notice of and information regarding the order that they are now being asked to comply with, including information about what they can do if they cannot comply with the order. As written, the</p>	<p>3. The committee proposes to provide this information on the Judicial Council’s website, in the Self-Help section.</p> <p>4. The committee agrees and is recommending that form DV-900 be adopted for mandatory use.</p>

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			<p>proposed form appears to include all of the information required by the new law. As this new law is implemented, we may need to re-visit this form to determine if any additional changes are needed to enhance the process.</p> <p>5. Should the form DV-901, if approved, be a mandatory or optional form? If approved, this should be a mandatory form for the reasons stated above. As written, the proposed form instructs the service provider to keep the information confidential, but does not provide specific details about this obligation and what this entails. We wonder if there is additional clarifying information that should be included for the service providers. As with the DV-900, we recognize that this form may need to be re-visited to determine if any additional changes are needed as implementation begins.</p> <p><b>Batterers Intervention Program</b></p> <p>6. Should form DV-805, if approved, be a mandatory or optional form? If approved, this should be a mandatory form. AB 439 was passed to address the problem that a person ordered to complete a 52-week batterer intervention program (BIP) was not required to submit any proof of enrollment or participation in a BIP and that, in such cases, the court and protected party should be provided with some basic information. Making DV-805 a mandatory form reinforces to the person subject to the order that s/he is now required to submit proof of enrollment, participation and/or completion</p>	<p>5. To promote uniformity and ensure that adequate information is provided to cell phone service providers, the committee recommends adopting form DV-901 as a mandatory form.</p> <p>6. The committee agrees and is recommending that form DV-805 be adopted for mandatory use.</p>

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			<p>in a BIP and ensures that the court and protected party are provided with the information specified under the law. Otherwise, the person subject to the order may end up submitting information that is inadequate or incomplete, which would not be a productive use of time, and would fail to meet the goals of this legislation.</p> <p>7. We would also recommend adding language to the form advising the person subject to the order that the failure to abide by the court’s order constitutes a violation of the restraining order for which there may be potential consequences.</p> <p>8. Should form DV-815, if approved, be a mandatory or optional form? If approved, this should be a mandatory form, for the same reasons stated above.</p> <p>9. Does form DV-815, as proposed, meet the statutory requirements without requiring restrained parties or programs to release private</p>	<p>7. The committee believes that the existing advisal on form DV-130 regarding a failure to obey the court’s orders is sufficient.</p> <p>8. The committee recommends that form DV-815 be approved as an optional form because section 6343 does not create an affirmative obligation on the restrained person to report to the court. This form could be used when the court orders the restrained person to report on compliance. For example, courts may set regular review hearings to monitor compliance and/or review compliance for purposes of overcoming the presumption against custody under Family Code section 3044. Having an optional form available to litigants and courts will promote access to the court process and uniformity.</p> <p>9. No response required.</p>

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			<p>or confidential medical or health information otherwise protected by law or not required to be provided under this statute?                      Yes. We believe that the “Notice to Program Provider” above the signature line clearly states that no confidential information should be released without the restrained party’s written consent.</p> <p>10. Is the proposed language regarding immigration consequences on DV-110 and DV-130 clear and accurate?                      We think that the language is clear and accurate. However, we would caution that this language must be carefully balanced. Including information about potential immigration consequences can help deter some restrained persons from violating the restraining order. The language may also deter some immigrant survivors from coming forward and requesting a restraining order out of fear of the potential immigration consequences for themselves or the restrained party. We raise this as a caution, so that we all will continue to be mindful of the unintended consequences.</p>	<p>10. The committee agrees that including an advisal of this kind should be carefully weighed against the unintended negative consequence of deterring individuals from seeking protection from the court. Based on the public comments received and the lack of statutory authority requiring this type of notice, the committee does not recommend including an advisal on the potential immigration consequences of violating a domestic violence protective order.</p>
2.	Fariba Soroosh, Supervising Attorney Self-Help Center/Family Law Facilitator’s Office Superior Court of Santa Clara County	NI	<p><b>Batterers Intervention Program</b></p> <p>DV-130</p> <p>1. Item 22: I suggest that brief instructions be included here re actions and forms mandated by AB439. This is the most likely place that the restrained person will look at first for details about the order to attend a BIP (batterer</p>	<p>1. The committee agrees to revise the text in item 22 to provide notice of the legal mandates of Family Code section 6343 and refer to form DV-805, <i>Proof of Enrollment for Batterer Intervention Program</i>.</p>

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			<p>intervention program).</p> <p>DV-805 and 815</p> <p>2. As one of the persons involved in drafting AB439, the intent of the legislation is different than reflected in these forms. We did not intend to create more work for the Court or the BIP’s. The burden to report is on the restrained party (RP) and the burden to follow up on any violations of the order is on the protected party once he/she has received the mandated information from the RP. I agree that there should be a mandatory form based on AB439 to help the restrained persons with the reporting requirements. Making it mandatory will help the courts and protected parties because the information provided will be consistent and easy to locate on the form rather than individually prepared declarations/letters submitted to the court.</p> <p>DV-805</p> <p>3. Item 3: If the form is mandatory, the RP should not be told that they “may use this form . . .”. I suggest that the mandates in AB439 be stated in this item.</p> <p>4. Item 4: I would change the title of this item to, for example, “Restrained party declares that:” Items “d” and “e” are not required and may confuse the RP.</p>	<p>2. The committee agrees that there should be a mandatory form to help restrained persons comply with the requirements set forth in Family Code section 6343. The committee recommends that form DV-805 be adopted as a mandatory form.</p> <p>The committee recommends that form DV-815 be approved as an optional form to help litigants, especially self-represented litigants, provide information to the court when the court orders the restrained person to provide the court with progress. For example, courts may set regular review hearings to monitor compliance and/or review compliance for purposes of overcoming the presumption against custody under Family Code section 3044.</p> <p>3. The committee recommends that form DV-805 be adopted as a mandatory form. The language in item 3 has been changed to reflect this.</p> <p>4. The committee has incorporated this suggestion, with some alterations. The committee has revised the form so that any item not required by the law is preceded by a check box and any item required by law is not preceded by a check box.</p>



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			<p>5. Item “f” should require RP to provide the information to the court as well as the other party. It also erroneously refers to “information listed in 1” rather than “3”.</p> <p>6. DV-815- As I previously stated, the new legislation was not intended to obligate the program to do anything at all. Further, RP is not required to obtain a report from the BIP. Once the RP has done what is mandated in AB439 (register, sign release forms, and identify the specific BIP), then it is up to the PP to follow up with the program and come to court if the RP has not complied with those orders. I believe that each provider has a progress report template and should be allowed to use those if the PP and RP request one for submission to the court. Therefore, I recommend that this form be omitted.</p> <p><b>Mutual Restraining Orders</b></p> <p>7. DV-120-INFO- As one of the persons involved in drafting AB536, I think the new segment in this form corresponding to that change in the law is far too complicated. I suggest that the language be a simple admonishment about using the DV application forms to apply for a restraining order. I don’t think there is a need to inform respondent about the standard the court uses to grant a restraining</p>	<p>5. The restrained person will provide notice to the court by filing the form therefore this language is not necessary and could be confusing to litigants. The committee has corrected the typographical error referring to 1 rather than 3.</p> <p>6. As stated above in response to comment number 2, the committee recommends that form DV-815 be approved as an optional form. Programs can still use their own report template and can attach a copy of their report to this form and check item 5. Without a form available for this purpose, restrained persons submitting their progress report for filing with the court would still need to attach the provider’s report to another approved form or pleading.</p> <p>7. The committee agrees and has made the suggested revision.</p>

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			<p>order. I also think the use of “mutual restraining orders” here makes it look like a specific kind of order rather than just a description of the situation where each party to a case has their own restraining order against the other party. I propose that in this section, responding party simply be referred to DV-505 to find out what forms to use if they think the meet the requirements for filing an application for a restraining order against the other party.</p> <p><b>Other Comments</b></p> <p>8. DV-100- Starting with item 6: Although nothing is being changed in this item, I have been asking for an inquiry about how long the applicant wants the order to last (up to five years). I have seen the opposing party and/or judicial officer asking for the order to be for less than the maximum of 5 years and taking the applicant by surprise. After all the judicial officer does have discretion to set the duration less than the maximum even sua sponte. This type of an inquiry gives the applicant time to consider her options and be ready to defend her choice at hearing in case opposing or judicial officer brings it up.            DV-120-Starting with item 6: If you add an inquiry about duration of the RO, please include the same item on this form to solicit a response.</p> <p>10. DV-100, Item 27: I find the current format confusing. I suggest Indent “b” through “f” and renumber them another way. Then current</p>	<p>8. The committee would like to receive public comment on this suggestion before recommending this revision. The committee will consider this suggestion for a future proposal.</p> <p>10. The committee has corrected the formatting in item 27, as suggested by the commentator.</p>

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			inquiry “g” can be “b’ and the date of another incident with the same inquiries as current “b” through “f” renumbered the same way.	
3.	Legal Aid Foundation of Los Angeles By Jimena S Vasquez, Attorney	AM	<p><b>Rights to Wireless Telephone Number</b></p> <p>1. Transfer of Cell Phone Account is misleading The heading of Item 15 in DV-100 "Transfer of Cell Phone Account" is misleading. The legislation as passed is to transfer the phone and billing responsibilities. In most cases, the protected party will need to open a new account with the wireless provider but will be able to maintain the cell phone and phone number. It should be made clearer by eliminating the word account and leaving it as Transfer of Cell Phone Rights.</p> <p>2. Additionally, the notice of billing responsibilities should add that account balances and new account charges may apply.</p> <p>3. The title of Item 15 in DV-110, DV-120, and DV-130 should be changed to "Transfer of Cell Phone Rights" as well.</p> <p>4. DV 901 should be a mandatory form. As with most of the other domestic violence forms, this form should be mandatory. It assists the pro per litigants with knowing what to send to the wireless providers to benefit from their order. Making this form mandatory will also assist wireless providers who will become familiar with the form and know how to process them.</p>	<p>1. The title of this item is now “Rights to Mobile Device and Wireless Phone Account.” The committee notes that the cell phone or other mobile device is not necessarily associated with the telephone number. A separate request for property control of the device may be needed. The title “Transfer of Cell Phone Rights” may be misleading as it can be read to only include rights associated to a cell phone device, not the telephone number.</p> <p>2. The committee believes that the current language sufficiently notifies the requesting party that he/she may be responsible for other fees.</p> <p>3. Same response to comment number 1 above.</p> <p>4. To promote uniformity and ensure that adequate information is provided to wireless service providers, the committee recommends adopting form DV-901 as a mandatory form.</p>

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			<p>5. A confidentiality notice should also be placed in DV-900 similar to the notice in DV-901 further underscoring that the information of the protected party is confidential.</p> <p>6. DV 805 should be a mandatory form. Again, the form must be mandatory to remain in line with other domestic violence forms. It creates uniformity and easy accessibility for proper litigants. Furthermore, it would restrict the information the restrained party would legitimately be able to send to Petitioner. Otherwise, the Respondent's would be able to send any type of correspondence to the Petitioner under the guise of notice of enrollment.</p> <p>7. Additionally with this form, we suggest not making most of Item 4 mandatory not check boxes except Item 4(e).</p> <p>8. Additionally, item 4(f) should be a notice sentence that the protected party in must be provided with the information listed. It should also allow for no notice being sent if the address of the protected party is listed as confidential. We suggest the following: "You must provide the protected party in (1) with the information listed here. You can do so my mailing the protected party a copy of this form consistent with the guidelines set forth I Paragraph 6(b) of the DV-130. If confidential is listed as the mailing address, no mailing is</p>	<p>5. The committee agrees and has included a similar notice regarding confidentiality on form DV-900.</p> <p>6. The committee recommends adopting form DV-805 as a mandatory form.</p> <p>7. The committee agrees. Only items that are not mandatory under 6343 will be preceded by a check box.</p> <p>8. The committee recommends providing more information on how service can be accomplished by the restrained person. However, courts will have to decide how service can be accomplished in these situations on a case-by-case basis. Without the consent of the protected person, the court cannot waive the requirement for service on the protected person.</p>

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			<p>required."</p> <p>9. We also suggest including on form DV-130, a place for the court to write an enrollment deadline date for the batterer intervention program. We suggest that one be added to the DV-130 at section 22 with the additional sentence stating if no date is written then within 30 days of the date of this order.</p> <p>10. DV 815 should be a mandatory form. Making this form mandatory will help ensure that the intervention programs chosen by the restrained party are approved program. In Los Angeles, there has been an increase in unqualified providers of batterer's intervention programs. As batterer's contend they cannot afford the mandatory fee associated with the approved programs, untrained, unqualified providers have begun to offer low or no cost programs. By making the form mandatory and requiring the programs to check the box that they are an approved program, the court as well as protected party's can make sure the restrained person is getting the proper, needed, intervention.</p> <p>11. We would also suggest adding a box requesting whether or not a fee has been charged to stem the growth and use of unauthorized intervention programs.</p>	<p>9. The committee agrees with these suggestions and has incorporated them, with minor alterations.</p> <p>10. The committee recommends that form DV-815 be approved as an optional form because section 6343 does not create an affirmative obligation on the restrained person to report to the court. This form may be used when the court orders the restrained person to report on compliance.</p> <p>Under Family Code section 6343, programs must be approved by the probation department under Penal Code section 1203.097. This requirement is clearly stated on the order, form DV-130, and form DV-805.</p> <p>11. The committee does not recommend adding a check box and believes that the forms reflect what is required under the law; that programs, including their fee structure, must be approved by the probation department under Penal Code section 1203.097. This requirement is stated on the order, form DV-130, and form DV-805.</p>

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			<p>12. The proposed language regarding immigration consequences is NOT accurate. The use of the phrasing "If the court" suggests that the family law court itself would be responsible for immigration consequences. This sends the message to litigants and the immigrant community that civil courts are working with Immigration and Customs Enforcement. This is the wrong message to send to litigants and the immigrant community.</p> <p>The ability to deport, deny entry, or deny citizenship is beyond the powers of a civil state court and is under the purview of the Federal Government. It should be clarified that under Federal law restraining order violations may result in immigration consequences. This distinction should help ease fears about obtaining restraining orders and any collusion between the state civil court and Immigration and Customs Enforcement.</p> <p>The language should be as follows:</p> <p>If you (the restrained party) violate this order and you are NOT a U.S. Citizen you MAY face immigration consequences.</p> <ul style="list-style-type: none"> <li>Under Federal law, a finding in civil or criminal court that a non US Citizen violated a domestic violence protection order by engaging in prohibited conduct described in Family Code Sec. 6320 and 6389, is a basis for deportation,</li> </ul>	<p>12. Based on the public comments received and the lack of statutory authority requiring this type of notice, the committee does not recommend including an advisal on the potential immigration consequences of violating a domestic violence protective order.</p>

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			<p>wherefore ICE may initiate deportation/removal proceedings against you;</p> <ul style="list-style-type: none"> <li>• order is a basis for deportation, wherefore ICE may initiate deportation/removal proceedings against you;</li> <li>• You may not be able to lawfully return to the U.S. after departing the USA for any reason;</li> <li>• You may not be able to become a U.S. citizen.</li> </ul> <p>13. In discussing alternatives considered for Assembly Bill 536, the committee stated that it considered simply stating not to use this form to request a restraining order but felt it was wrong because of the court's ability to issue a restraining order without notice under 6300. However, you would have the same due process and notice issues if the court granted a respondent a restraining order solely based on testimony provided to the court on the day of the hearing. This relief would not be available to respondents, as it would exceed the court's power. The courts cannot grant unrequested relief against a party who appears without affording that party notice and an opportunity to defend. This is a fundamental concept of due process.</p>	<p>13. Family Code section 6300 and 240 et seq., gives the court authority to issue ex parte orders on a temporary basis pending a hearing. The committee agrees that any party requesting a domestic violence restraining order is afforded the right to proper notice and opportunity to be heard before permanent orders can be made.</p>
4.	Los Angeles Center for Law and Justice	NI	<p><b>Rights to Wireless Telephone Number</b> 1. Item 15 in DV-100 is titled "Transfer of Cell</p>	1. The title of this item is now "Rights to Mobile

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	By Carmen McDonald, Supervising Attorney		<p>Phone Account." The legislation as passed is to transfer the phone and billing responsibilities. In most cases, the protected party will need to open a new account with the wireless provider but will be able to maintain the cell phone and phone number. It should be made clearer by eliminating the word account and leaving it as Transfer of Cell Phone Rights. Alternately, this can be titled "Transfer of Telephone Rights" to include land lines in addition to cell phone lines and reference the provider as a "telephone" provider rather than a "wireless" provider.</p> <p>2. Additionally, the notice of billing responsibilities should add that new account charges might apply.</p> <p>3. We are also concerned that the requesting party will rely that this process will work. The court should warn the person that while this is a court order, the court does not control the wireless provider and the requesting party may need to open another account, and if so, the requesting party may need to qualify for the provider's eligibility for a new account.</p> <p>4. We are also concerned that the telephone provider cannot or will not release any information to the requesting party without a</p>	<p>Device and Wireless Phone Account.” The committee notes that the cell phone or other mobile device is not necessarily associated with the account. A separate request for property control of the device may be needed. The title “Transfer of Cell Phone Rights” may be misleading as it can be read to only include rights associated to a cell phone device, not the telephone number. The title “Transfer of Telephone Rights” could be interpreted to go beyond the scope of the legislation which is limited to wireless telephone numbers.</p> <p>2. The committee believes that the current language sufficiently notifies the requesting party that he/she may be responsible for other fees. The committee does not recommend providing examples of charges that are not listed in the statute.</p> <p>3. The committee recognizes that this process may be challenging for litigants to navigate, especially self-represented litigants. The committee proposes to provide information on the Judicial Council’s website, in the Self-Help section, as information becomes available. The committee will consider developing an information sheet in the future, if the need arises.</p> <p>4. The committee does not recommend including the proposed information because the statute does not provide the requesting party with the ability to</p>



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			<p>court order or subpoena. The order should reflect the requesting party's ability to request and review a statement of rights and responsibilities before the provider completes the transfer or at least gives the requesting party the ability to rescind her/his request to transfer.</p> <p>5. The title of item 15 in DV-110, DV-120, and DV-130 should be changed to "Transfer of Cell Phone Rights" or "Transfer of Telephone Rights" as well. The DV-900 and DV-901 should be changed accordingly.</p> <p>6. DV-100: Page 3, Item 15: Remove "financially" as the protected person would be responsible for the entire account, not just the financial part.</p> <p>7. DV-100: Page 3, Item 15: "There may be other fees that you will be responsible for" should be changed to "You may also be responsible for other fees."</p> <p>8. DV-100: Page 3, Item 15: Clarify that you will be financially responsible for "any future charges or costs on" these accounts.</p>	<p>rescind his or her request once the order has been made. Form DV-100, item 18, directs applicants to contact the wireless provider for information about fees, costs and eligibility. Additional information may also be provided on the Self-Help section of the Judicial Council's website.</p> <p>5. Same response as comment number 1 above.</p> <p>6. The language in this section is meant to stress the financial responsibilities that come with an order of this kind. The sentence before reflects what the statute authorizes: the transfer of billing responsibilities and rights to wireless phone numbers.</p> <p>7. The committee has made this revision.</p> <p>8. The committee does not recommend adding this language because the court will not know what costs are associated with a transfer.</p>

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			<p><b>Immigration Consequences</b>            9. DV-110 and DV-130 Warnings and notices to the restrained person, top of page 5. Change "may or will be" to "may be" (may or will be does not make sense - if it is will, then it can't be may . . .)</p> <p><b>Batterers Intervention Program</b>            10. Form DV-130 should be modified to include a place for the court to write an enrollment deadline date for the batterer intervention program. We suggest that one be added to the DV-130 at section 22 with the additional sentence stating if no date is written then within 30 days of the date of the order.</p> <p>11. DV-130: Page 4, Item 22: We are concerned that this section needs to be more detailed and thorough to be enforceable and to give everyone the appropriate notices.</p> <p>12. The DV-805 as well as the restrained party's release of program information should be mandatory.            We suggest something similar to the following language:            "The person in (2) must go to and pay for a 52-week batterer intervention program and show written proof of completion to the court. The person in (2) must sign and submit form DV-805, <i>Proof of Enrollment for Batterer Intervention Program</i>, to the court, declaring</p>	<p>9. Based on the public comments received and the lack of statutory authority requiring this type of notice, the committee does not recommend including an advisal on the potential immigration consequences of violating a domestic violence protective order.</p> <p>10. The committee agrees and has made the suggested revisions.</p> <p>11. The committee agrees to revise the text in item 22 to provide notice of the legal mandates of Family Code section 6343.</p> <p>12. The committee agrees with these suggestions and has incorporated them, with minor alterations.</p>

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			<p>that s/he has enrolled in an approved program and signed all necessary forms with the program to allow the program to release limited information to the court and protected party. This program must be approved by the probation department (<i>contact your local probation department or go to probation.lacounty.gov for more information</i>). The person in (2) must enroll in an approved program by (<i>due date</i>) or if no date is listed, enrollment must occur within 30 calendar days of this order."</p> <p><b>Rights to Wireless Telephone Number</b></p> <p>13. DV-900, Page 1: Address of provider: Change "Address (see service provider's . . . ) to "Address (use service provider's . . ." and "Secretary of State" should be changed to "California Secretary of State". The term should be uniformly California Secretary of State.</p> <p>14. Since there is no means for the requesting party to get info on the account before any order is issued, we would suggest adding another section allowing that. Suggested language for the new Item 2 section (inserted after Item 1): "The requesting party must receive a statement of rights and responsibilities, including all financial costs associated with the transfer or new account(s) in writing within 72 hours of the provider's receipt of this order. The requesting party may cancel this Order Transferring Cell</p>	<p>13. The form will no longer require the listing of an address for the service provider because some providers intend to accept service by email or fax. The committee agrees with the suggestion that any reference to the Secretary of State should be "the California Secretary of State."</p> <p>14. The committee does not recommend including the proposed information because the statute does not provide the requesting party with the ability to rescind his or her request once the order has been made. Form DV-100, item 18, directs applicants to contact the wireless provider for information about fees, costs and eligibility. Additional information may also be provided on the Self-Help section of the Judicial Council's website.</p>

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			<p>Phone Rights, without any penalty to the requesting party by the provider, within 30 days of receipt of this statement by submitting a written request to cancel this order to the provider. Requesting party must serve a copy of the request to cancel to the restrained party and to the court." Alternately, we could call this a Request for Rescission of Telephone Transfer Rights.</p> <p>15. New Item 3 (formerly Item 2): We are gravely concerned that the requesting party will be liable for any back-due charges incurred before the court's issuance of an Order Transferring Telephone Rights. As a matter of public policy and providing access to the judicial system to low-income litigants, the protected party should not be liable for any debt, charges, fees, or missed payments incurred by the restrained party prior to the effective date of this order.</p> <p>We suggest the following language to clarify that the requesting party is only liable for charges incurred from the effective date of the order, including possible new account charges: "... associated with the telephone numbers incurred from the effective date until closure of the account(s) or until rescission of this order, must be transferred to:"</p> <p>The end of Page 1 should an INFO section that advises the requesting party how to cancel the order. A new form may need to be created to simplify the requesting party's process of</p>	<p>15. Family Code section 6347 does not give the court the authority to limit the protected person's liability for past fees or charges incurred on the account, other than the authority it has under section 6324 and 6340.</p>

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			<p>requesting a cancelation of the transfer of telephone rights.</p> <p>16. DV-900, Page 2: "Provider must notify" box: this does not specify how notification must be made. The manner of notification is vague. We suggest it say, "The provider must notify the person in (2), in writing ...,"</p> <p>17. A confidentiality notice should also be placed in DV-900 similar to the notice in DV-901 further underscoring that the information of the protected party is confidential.</p> <p>18. We are concerned whether the provider may deny transfer of the account because the requesting party does not qualify for a new account. This may become a barrier for low income/undocumented protected parties who have no proof of ability to pay and/or no or bad credit.</p> <p>19. We suggest adding an INFO section at the end that advises the provider how to respond,</p>	<p>16. The committee cannot implement requirements that are not provided by statute. Family Code section 6347 provides that "Where the wireless service provider cannot operationally or technically effectuate the order due to certain circumstances, including, but not limited to, any of the following, the wireless service provider shall notify the requesting party within 72 hours of receipt of the order." The statute does not require that notice be in writing.</p> <p>17. The committee agrees and has revised DV-900 to incorporate the suggestion.</p> <p>18. Under Family Code section 6347(b)(3), unless the service provider "cannot operationally or technically effectuate the order" the transfer must occur. Once transferred, section 6347(c)(2) "does not preclude the service provider preclude a wireless service provider from applying any routine and customary requirements for account establishment." If the new account holder does not qualify for an account then possible options may include canceling the account or transferring the phone number to another service provider.</p> <p>19. The committee does not recommend providing information for service providers that goes beyond</p>

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			<p>the time frame to respond, and what to do if the requesting party submits a request to cancel the account transfer.</p> <p><b>DV-901</b></p> <p>20. As with most of the other domestic violence forms, this form should be mandatory. It assists the pro per litigants with knowing what to send to the wireless providers to benefit from their order. Making this form mandatory will also assist wireless providers who will become familiar with the form and know how to process them.</p> <p>21. There should be a line(s) added where the protected person writes the name (and address) of the service provider. Then "(service provider)" can be removed from the first paragraph.</p> <p>22. Item 2: If there is going to be a parenthetical informing the protected person "(list a phone number that is no controlled by the restrained person)" it should be after both "the best phone number" and "Another phone number"</p> <p>23. The requesting party's address should be required instead of making both email and mailing address optional. Since the provider is likely to require a billing address and because the provider's notice of inability to transfer the account should be made in writing, the requesting party will need to provide some means of receiving written statements, whether</p>	<p>the scope of the statute. The language on the form will reflect the statutory requirements applicable to providers under section 6347(b)(3).</p> <p>20. To promote uniformity and ensure that adequate information is provided to wireless service providers, the committee recommends adopting form DV-901 as a mandatory form.</p> <p>21. The committee has added a place to list the name of the service provider. An address for the service provider may not be needed as some providers will accept orders by email or fax.</p> <p>22. The committee agrees and has reformatted this section.</p> <p>23. The committee agrees to remove the word "optional."</p>

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			<p>electronically or by mail. If the protected party does not want a mailing address, then they should provide an email address and the account will automatically enrolled in e-statements.</p> <p>24. The "Where should I send" section: "Secretary of State" should be changed to "California Secretary of State". The term should be uniformly California Secretary of State. "depending on who the provider is" should be changed to "depending on the provider." In addition, "The account(s) will NOT be transferred" should be changed to "The account(s) can NOT . . ."</p> <p>25. "Attention Cell Phone Service Provider" box has an extra space after "(listed in 3 )."</p> <p>26. The end of the form also should include an INFO section that advises the requesting party how to cancel the order. A new form may need to be created to simplify the requesting party's process of requesting a cancelation of the transfer of telephone rights.</p> <p><b>Batterers Intervention Program DV-805</b></p> <p>27. This form should be mandatory. It will clarify what is sufficient proof of enrollment of the Batterer Intervention Program.</p> <p>28. Item 3: Add the "You must sign all necessary forms with the program, allowing the program to release proof of enrollment,</p>	<p>24. The committee agrees and has made the suggested revisions.</p> <p>25. The committee has corrected this typographical error.</p> <p>26. Same response as comment number 14 above.</p> <p>27. The committee agrees and recommends adopting form DV-805 as a mandatory form.</p> <p>28. The committee has reformatted this section to combine items 3 and 4 and has removed check boxes for items that are required under Family</p>

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			<p>attendance records, and completion or termination reports to the court and the protected party, or his or her attorney." from #4 to #3 instead to make this mandatory.</p> <p>29. DV-805 Item 4.f: This provision is unclear as there is no "information listed in 1."</p> <p>30. If the provision is notice on enrollment, then 4(f) should not be an optional check box. It should require that notice be sent to the Petitioner, unless their address is confidential. Possible language can be "You must serve the protected party with a signed copy of this form."</p> <p>DV-815 31. DV 815 should be a mandatory form Making this form mandatory will help ensure that the intervention programs chosen by the restrained party are approved programs. By making the form mandatory and requiring the programs to check the box that they are an approved program, the court as well as protected litigants can make sure the restrained person is getting the proper, needed, intervention.</p> <p>We would also suggest adding a box requesting whether or not a fee has been or will be charged.</p>	<p>Code section 6343.</p> <p>29. This has been corrected; the provision should refer to item 4.</p> <p>30. The committee recommends removing the check box, as suggested by the commentator. This item is meant to provide the restrained person with notice of the requirement to provide the protected person with the name, address and phone number of the provider.</p> <p>31. The committee recommends that form DV-815 be approved as an optional form because section 6343 does not create an affirmative obligation on the restrained person to report to the court. This form may be used when the court orders the restrained person to report on compliance.</p> <p>The committee does not recommend adding a check box and believes that the forms reflect what is required under the law; that programs, including their fee structure, must be approved by the probation department under Penal Code section 1203.097. This requirement is stated on the order, form DV-130, and form DV-805.</p>



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			<p>32. Item 3b: Remove the check box to make it mandatory.</p> <p>33. Item 3 TO PROGRAM STAFF:                      "attach you report" should be changed to "attach your report" "provide your name, signature :. ." should be changed to provide your name, title, signature . . ."                      Add a check box with "See attached report: pages."</p> <p>NOTICE TO PROGRAM PROVIDER: The parenthetical (example: medical information) should be edited and moved to be more clear: "This form should NOT be used to disclose Information (such as medical information) that is protected under state and federal laws . . ."</p> <p>34. DV-815: Item 5: Instead of "The above information is true and correct ..." Make the provider swear under penalty of perjury. "I declare under penalty of perjury under the laws of the state of California that the information above is true and correct to the best of my knowledge."</p> <p>35. Making separate lines for the provider's "name" and "title" may make it clearer that the provider submitting the report must fill in both.</p> <p>36. The proposed language regarding immigration consequences is NOT accurate</p>	<p>32. The committee agrees and has made the suggested revision.</p> <p>33. The committee agrees with these recommendations and has incorporated them into the proposal, with some alterations.</p> <p>34. The committee has made this suggested revision.</p> <p>35. Due to space limitations on the form, the committee does not recommend adding a separate line for "title."</p> <p>36. Based on the public comments received and the lack of statutory authority requiring this type</p>

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			<p>The use of the phrasing "If the court" suggests that the family law court itself would be responsible for immigration consequences. This sends the message to litigants and the immigrant community that civil courts are working with Immigration and Customs Enforcement. This is the wrong message to send to litigants and the immigrant community. The ability to deport, deny entry, or deny citizenship is beyond the powers of a civil state court and is under the purview of the Federal Government. It should be clarified that under Federal law restraining order violations may result in immigration consequences. This distinction should help ease fears about obtaining restraining orders and any collusion between the state civil court and Immigration and Customs Enforcement.</p> <p>The language should be as follows:            "If you (the restrained party) violate this order and you are NOT a U.S. Citizen you MAY face immigration consequences.</p> <ul style="list-style-type: none"> <li>• Under Federal law, a finding in civil or criminal court that a non US Citizen violated a domestic violence protection order is a basis for deportation, wherefore ICE may initiate deportation/removal proceedings against you;</li> <li>• You may not be able to lawfully return to the U.S. after departing the USA for any reason;</li> <li>• You may not be able to become a U.S. citizen."</li> </ul>	<p>of notice, the committee does not recommend including an advisal on the potential immigration consequences of violating a domestic violence protective order.</p>

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			DV-120 37. Item 3- We are concerned that referring litigants for information on mutual orders could create an increase in Respondents filing for restraining orders. While it is important for litigants to obtain this information, often these cross filings are retaliatory.	37. The committee has simplified and reformatted form DV-120-INFO and has removed the language regarding mutual restraining orders.
5.	Los Angeles County Bar Association (LACBA), Family Law Section	NI	1. Does the proposal appropriately address the stated purpose? LACBA response: Yes  <b>Rights to Wireless Telephone Number</b> 2. Does the proposed language in DV-100, Item 15, adequately provide the requesting person with notice of financial responsibilities involved in an order of this kind? LACBA response: Yes  3. Should DV-900 include instructions for cell phone service providers, as reflected on Page 2 of DV-900? LACBA response: Yes  4. Should forms DV-901, DV-805; DV-815, if approved, be mandatory or optional or not required to be provided under this statute? LACBA response: Mandatory	1. No response required.  2. No response required.  3. The committee agrees and recommends including this information for service providers to ensure that requesting parties receive proper notice when a service provider is unable to transfer the account for technical or operational reasons.  4. The committee proposes that form DV-901 and DV-805 be adopted for mandatory use. While Family Code section 6343 does not require an affirmative obligation on the part of the restrained person to report on compliance, the committee recognizes that restrained persons may be ordered by courts to report on compliance and for this reason, recommends form DV-815 be approved and available for optional use.

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			<p>5. Does DV-815, as proposed, meet the statutory requirements without requiring restrained parties or programs to release private or confidential medical or health insurance information otherwise protected by law? LACBA response: Yes</p> <p>6. Is the proposed language regarding immigration consequences on DV-110 and DV-130 clear and accurate? LACBA response: Yes</p>	<p>5. No response required.</p> <p>6. The committee does not recommend including an advisal on the potential immigration consequences of violating a domestic violence protective order.</p>
6.	Monica Clark Johnson, Paralegal WEAVE, Inc.	A	<p>1. If approved, forms DV-805 and DV815 should be mandatory.</p> <p>2. A report from the provider should be optional and voluntary on the part of the abuser.</p> <p>3. The form does include language that covers rights to privacy. If a Batterer's Intervention Program is deemed to be "counseling", then there may be HIPAA laws that apply.</p> <p>4. If approved, forms DV-900 and DV-901</p>	<p>1. The committee recommends both forms be adopted for mandatory use.</p> <p>2. The committee recommends that form DV-815 be approved as an optional form to help litigants, especially self-represented litigants, provide information to the court when the court orders the restrained person to provide the court with progress. For example, courts may set regular review hearings to monitor compliance and/or review compliance for purposes of overcoming the presumption against custody under Family Code section 3044. Having an optional form available to litigants and courts will promote access to the court process and uniformity.</p> <p>3. No response required.</p> <p>4. The committee agrees and recommends that</p>

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			<p>should be mandatory.</p> <p>5. The cell phone providers may be slow to respond to the order, since the forms are to be served on the agent for the company through the Secretary of State. (The separation of phone numbers will most likely incur a cost for new established service and contract agreements with certain providers. Although, the form mentions the potential financial costs, the real problem will be when the fees are calculated and presented to the requester, who had no idea how expensive it is to break up the plan).</p> <p>6. The language regarding immigration consequences on DV-110 and DV-130 is clear enough to let the abuser know that he or she may wish to seek legal advice to determine what consequences they could be subjected to.</p>	<p>both forms be adopted for mandatory use.</p> <p>5. No response required.</p> <p>6. Based on other comments received and the lack of statutory authority requiring a notice of this kind the committee does not recommend including an advisal on the potential immigration consequences of violating a domestic violence protective order.</p>
7.	Orange County Bar Association By Todd G. Friedland	AM	<p><b>Mutual Restraining Orders</b></p> <p>1. The proposed added language at page 3 of DV-120-INFO misstates the law. The Responding Party must file and service its own DV Application to be able to get a restraining order (not just give the court “written evidence”) against the moving party.</p> <p><b>Rights to Wireless Telephone Number</b></p> <p>2. Does the proposed language in DV-100, item 15, adequately provide the requesting person with notice of the financial responsibilities</p>	<p>1. The proposed language in the Invitation to Comment reflects the requirements under Family Code section 6305(a)(1). The committee no longer proposes to include this language because it agrees with another commentator that the information is complex and a simple admonishment not to use form DV-120 is sufficient.</p> <p>2. No response required.</p>

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			<p>involved in an order of this kind? Yes.</p> <p>3. Should form DV-900, if approved, include instructions for cell phone service providers, as reflected on page 2 of DV-900? Yes.</p> <p>4. Should form DV-901, if approved, be a mandatory or optional form? Mandatory</p> <p><b>Batterers Intervention Program</b></p> <p>5. Should form DV-805, if approved, be a mandatory or optional form? Mandatory</p> <p>6. Should form DV-815, if approved, be a mandatory or optional form? Mandatory</p> <p>7. Does form DV-815, as proposed, meet the statutory requirements without requiring restrained parties or programs to release private or confidential medical or health information otherwise protected by law or not required to be provided under this statute? Mostly. The “Notice to Program Provider” should include “(example: health or medical information)” since these forms are often taken literally.</p>	<p>3. The committee agrees and recommends including this information for service providers to ensure that requesting parties receive proper notice when a service provider is unable to transfer the account for technical or operational reasons.</p> <p>4. The committee recommends adopting form DV-901 for mandatory use.</p> <p>5. The committee recommends adopting form DV-805 for mandatory use.</p> <p>6. The committee recommends that form DV-815 be approved as an optional form because section 6343 does not create an affirmative obligation on the restrained person to report to the court. This form may be used when the court orders the restrained person to report on compliance.</p> <p>7. The committee agrees and will include health information as an example of information that may be protected under state and federal law.</p>

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	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p><b>Immigration Consequences</b>            8. Is the proposed language regarding immigration consequences on DV-110 and DV-130 clear and accurate? Yes.</p>	<p>8. The committee does not recommend including an advisal on the potential immigration consequences of violating a domestic violence protective order.</p>
8.	The State Bar of California The Executive Committee of the Family Law Section (FLEXCOM)	AM	<p>1. FLEXCOM generally approves the amended and new forms as appropriately addressing the stated purposes, subject to the following comments and exceptions. FLEXCOM believes all forms should be mandatory except for DV-815, which FLEXCOM believes should not be adopted at all.</p> <p><b>Batterers Intervention Program</b></p> <p>2. <b>DV-815:</b> FLEXCOM believes this form should not be adopted. FLEXCOM was the sponsor of Assembly Bill 439 (Stats. 2015, ch. 72). The proposed form goes beyond the intent of the legislation and what is required under AB 439’s amendments to the Family Code. That legislation, commencing July 1, 2016, requires the restrained party ordered to participate in a batterer’s intervention program to 1) register for</p>	<p>1. The committee proposes that form DV-901 and DV-805 be adopted for mandatory use. While Family Code section 6343 does not require an affirmative obligation on the part of the restrained person to report on compliance, the committee recognizes that restrained persons may be ordered by courts to report on compliance and for this reason, recommends form DV-815 be approved and available for optional use.</p> <p>For example, courts may set regular review hearings to monitor compliance and/or review compliance for purposes of overcoming the presumption against custody under Family Code section 3044. Having an optional form available to litigants and courts will promote access to the court process and uniformity.</p> <p>2. See response to comment number 1 above.</p>

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			<p>the program by a specified deadline; 2) at the time of enrollment, sign all necessary program consent forms for the program to release specified documents, including proof of enrollment, to the court and the protected party or his or her attorney; and 3) provide the court and the protected party with the name, address, and telephone number of the program.</p> <p>AB 439 was not intended to obligate the batterer’s intervention program to take any affirmative steps on its own. There was also no intention to impose an affirmative obligation on the restrained party to seek out a report from the batterer’s intervention program. DV-815 appears to require (or at least suggest) both that the batterer seek out a report and that the program provide the specified information, even without a request. That was not the intent of the legislation. Once the restrained party has done what is mandated, it is up to the protected party to follow up with the program and come to court if there are any issues regarding compliance. The court could also request information from the program on its own. But in either event, the program would be responding to a request for information instead of supplying the information, without any request, on a Judicial Council form.</p> <p>3. In regards to the new section 22, FLEXCOM recommends that all language contained in Family Code Section 6343(b) be included to effectuate notice.</p>	<p>3. The committee agrees and has added space for the judge to indicate a start date, if desired, and references form DV-805, which must be completed by the restrained person.</p>



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			<p><b>Mutual Restraining Orders</b></p> <p>4. <b>DV-120-INFO-</b> FLEXCOM recommends modifying the second heading “What are the legal Requirements?” as it may be considered misleading (there are many more legal requirements than those listed) and changing the heading to what is now the next line: “A Domestic Violence Order is Available if:”</p> <p>In regards to the added section, appearing at the bottom of page 3, FLEXCOM recommends removing the first sentence “In order for the court . . .” as it is vague and possibly misleading (see comment above).</p> <p>5. FLEXCOM recommends moving the added section on page 3 to page 1, between “What is abuse?” and “What if the legal requirements are not met?” The distinction and advisement is important, especially for those who believe they are in need of a restraining order, and should be displayed prominently or early in the information form.</p>	<p>4. The committee has removed the section “What are the Legal Requirements?” and provides some simple explanations of what abuse is under “What is a Domestic Violence Restraining Order” and what relationships qualify for a domestic violence restraining order under the section “Who can ask for a domestic violence restraining order?” The committee has also made additional revisions to make this form more consistent with other restraining order 120-INFO forms.</p> <p>The “added section” will not appear on the form as the committee no longer proposes to include language regarding the specific legal requirements of a mutual restraining order. The committee agrees with another public commentator that including this language is complex and a simple admonishment to not use form DV-120 to request a restraining order is sufficient.</p> <p>5. In response to another public comment, the committee has removed the language regarding mutual restraining orders and believes a simple admonishment that form DV-120 should not be used to ask for a domestic violence restraining order is clear and provides sufficient notice of the requirement under Family Code section 6305(a)(1).</p>

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			<p><b>Rights to Wireless Telephone Number</b></p> <p>6. DV-130: In regards to the new section 15, FLEXCOM recommends identifying the account being transferred to assist law enforcement who may be viewing DV-130 but not DV-900.</p> <p>7. DV-100, Paragraph 15: The first sentence as written states: “I ask the court to transfer the billing responsibility and rights to the following cell phone numbers to me because the account currently belongs to the person in 2.” FLEXCOM recommends modifying that sentence as follows: “I ask the court to transfer the billing responsibility and rights to the following cell phone numbers to me because the account currently belongs to the person in 2 but the telephone numbers are used primarily by me or the persons listed in 3.” This makes it clear to the requesting party that the requesting party or the child must have the primary use of the cell phone and not that it is just an account in the restrained party’s name.</p> <p>8. FLEXCOM is concerned that it is not clear if the intent is to make the recipient financially responsible as of the date of transfer and not as of the date of the order.</p> <p>9. In the italicized portion FLEXCOM recommends moving the “(examples: cell phones, tablets)” to the end of the sentence. Notice is sufficient to advise the requesting</p>	<p>6. The committee has added this information to the order forms under item 18(a), <i>Property Control of Cell Phone and Wireless Phone Account</i>.</p> <p>7. The committee does not recommend adopting this suggestion. Family Code section 6347 does not require that the requesting party prove that the number be “primarily used by” the requesting party or any children under his or her care.</p> <p>8. The committee recommends that the order form allow the court to indicate a start date for which the protected person would be financially liable for the account.</p> <p>9. The committee agrees and has made this revision.</p>

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			<p>party of his/her financial obligations associated with the transfer of the cell phone.</p> <p>10. DV-900: On page two, under the second bullet point, FLEXCOM recommends that “and” at the end of the sentence be removed, because any of the bullet points suffice and the “and” is potentially confusing.</p> <p>11. FLEXCOM recommends adding language stating enforceability of the order does not depend on service of DV-901.</p> <p><b>Other comments</b></p> <p>12. In regards to the new section 26b, FLEXCOM recommends creation of a new form DV-130 “Other Criminal Protective Orders.” This will ensure the case number, county and expiration date are included in the order after hearing. Failure to include the specific information may result in the other orders being overlooked or unenforced.</p>	<p>10. The committee has made this revision.</p> <p>11. An order for transfer must include the contact information for the requesting party therefore DV-901 must be served on the service provider. There may be other ways of providing the information to the service provider, which in practice, would result in the transfer being effectuated. The committee will consider adding information to the Self-Help section of the Judicial Council website to help litigants with this process.</p> <p>12. The committee does not recommend creating a new form for this purpose. Criminal protective orders are generally one page, double-sided. A better practice would be to obtain a copy of the criminal protective order and advise protected persons to carry a copy of all orders.</p>
9.	State of California, Department of Justice Bureau of Criminal Identification and Investigative Services Law Enforcement Support Program	NI	1. Law Enforcement Agencies (LEAs) are often confused as to why the courts issue mutual restraining orders. It can also cause confusion with enforcement of orders. Hopefully the passage of AB 536, and additional collection of	1. No response required.

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	California Restraining and Protective Order System		<p>abuse on DV-100, can help to alleviate this issue.</p> <p>2. The transfer of cell phone account and batterer intervention program is important, however, it is not information that is required for a CARPOS entry. When batterer intervention is checked on orders, we do advise agencies to enter the information in the Other Order (OTO) field, as this information could be helpful with sentence enhancement.</p> <p>3. The warnings and notices to the restrained person regarding U.S. citizenship may not be a concern for LEAs relative to the CARPOS entry.</p> <p>4. All of the “INFO” forms are very helpful. The FR uses these forms for self-training, and mentions them in classes to help LEAs to better understand the processes.</p> <p>5. Does the proposed language in DV-100, item 15, adequately provide the requesting person with notice of the financial responsibilities involved in an order of this kind? Yes.</p> <p>6. Should form DV-900, if approved, include instructions for cell phone service providers, as reflected on page 2 of DV-900? This would be helpful.</p>	<p>2. No response required.</p> <p>3. No response required.</p> <p>4. No response required.</p> <p>5. No response required.</p> <p>6. The committee agrees and recommends including this information for service providers to ensure that requesting parties receive proper notice when a service provider is unable to transfer the account for technical or operational</p>

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			<p>7. Should form DV-901, if approved, be a mandatory or optional form? The DV-901 form would only be mandatory if item 15 of the DV-130 is checked</p> <p>8. Should form DV-805, if approved, be a mandatory or optional form? For CARPOS entry, the DV-805 information would be optional.</p> <p>9. Should form DV-815, if approved, be a mandatory or optional form? For CARPOS entry, the DV-815 information would be optional.</p> <p>10. Does form DV-815, as proposed, meet the statutory requirements without requiring restrained parties or programs to release private or confidential medical or health information otherwise protected by law or not required to be provided under this statute?</p> <p>All forms submitted to LEAs for entry into CARPOS are considered confidential, and will only be shared with law enforcement. An example is the CLETS-001 form, which is a mandatory form, but is only shared with law enforcement to help in the identification and protection of the parties involved in restraining</p>	<p>reasons.</p> <p>7. To promote uniformity and ensure that adequate information is provided to cell phone service providers, the committee recommends adopting form DV-901 as a mandatory form. This form would only be used if an order transferring a wireless phone account was made.</p> <p>8. No response required.</p> <p>9. No response required.</p> <p>10. No response required.</p>

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			<p>or protective orders.</p> <p>11. Is the proposed language regarding immigration consequences on DV-110 and DV-130 clear and accurate? Yes.</p> <p>12. Typos Found: Page 2 of form DV-200-Info. The next to the last statement says the clerk will send it to CLETS. A better statement would be the clerk will enter the information into CARPOS or will send to a law enforcement agency for entry via CLETS. Note- CLETS is not a database, it is a mode of transport for transmitting data to a certain location or system.</p> <p>Page 2 of EA-116, item 6b, references CH-110. It should reference EA-110.</p> <p>Page 2 of WV-116 item 6b, references SV-110. It should reference WV-110.</p>	<p>11. Based on the public comments received and the lack of statutory authority requiring this type of notice, the committee does not recommend including an advisal on the potential immigration consequences of violating a domestic violence protective order.</p> <p>12. Form DV-200 is not included in this proposal but the committee will make this revision in a future proposal.</p> <p>The Civil and Small Claims Advisory Committee has oversight responsibility for Elder Abuse and Work Place Violence forms and these revisions have been incorporated into a current proposal, which, if approved, will be effective July 1, 2016.</p>
10	The State Bar of California Standing Committee on the Delivery of Legal Services By Phong S. Wong	AM	<p><b>Batterers Intervention Program</b></p> <p>1. Does the proposal appropriately address the stated purpose?</p> <p>Yes, except for proposed form DV-815 which is not necessary. AB 439 does not include a</p>	<p>1. While Family Code section 6343 does not require an affirmative obligation on the part of the restrained person to report on compliance, the committee recognizes that restrained persons may be ordered by courts to report on compliance and</p>

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			<p>requirement for a restrained person to provide a progress report from the batterer intervention program. The only requirement is proof of enrollment, and information regarding the details of the program and access to information (covered by DV-805). There is no affirmative requirement for restrained persons to seek out a report from the batterer intervention program.</p> <p><b>Rights to Wireless Telephone Number</b></p> <p>2. Does the proposed language in DV-100, item 15, adequately provide the requesting person with notice of the financial responsibilities involved in an order of this kind? Yes.</p> <p>3. Should form DV-900, if approved, include instructions for cell phone service providers, as reflected on page 2 of DV-900?</p> <p>4. Yes. In addition, DV-900 provides an order for the transfer of cell phone accounts. The parenthetical language in the "address" section for the cell phone provider may be confusing for protected persons. Including information about the Secretary of State's website or the Judicial Council's website, similar to the language proposed in DV-901 under "<i>Where should I</i></p>	<p>for this reason, recommends form DV-815 be approved and available for optional use.</p> <p>For example, courts may set regular review hearings to monitor compliance and/or review compliance for purposes of overcoming the presumption against custody under Family Code section 3044. Having an optional form available to litigants and courts will promote access to the court process and uniformity.</p> <p>2. No response required.</p> <p>3. The committee agrees and recommends including this information for service providers to ensure that requesting parties receive proper notice when a service provider is unable to transfer the account for technical or operational reasons.</p> <p>4. Because some carriers may accept service by email or fax, the "address" section has been removed from the form. The committee has added a link to the appropriate website, as suggested by the commentator.</p> <p>Because the court will not have accurate information as to the length of time it will take</p>

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			<p><i>send Form DV-900 and this Form (DV-901)?” would be helpful. Additionally, there should be information for protected persons as to the length of time needed for a cell phone account to be transferred to their name. The only information says that a cell phone company has 72 hours to object, but a DV survivor will be eager to know when the account is transferred, and whether it is safe to use the phone.</i></p> <p>5. Should form DV-901, if approved, be a mandatory or optional form?</p> <p>The form should be optional in order to allow protected victims to inform cell phone carriers by an alternate means.</p> <p>6. Should form DV-805, if approved, be a mandatory or optional form?</p> <p>The form should be mandatory. The form addresses all of the requirements of AB 439. Providing a mandatory, consistent form will effectuate the intent of the law. With a mandatory form, the information is either provided or it is not. There is less room to debate the format and completeness of the submission with a mandatory form.</p> <p>7. Should form DV-815, if approved, be a mandatory or optional form?</p> <p>The purpose of DV-815 is confusing. There is no legal obligation for restrained persons to</p>	<p>service providers to process transfers specifying this information is not included on the form. Major service providers are working on implementation of this bill. Committee staff will be in communication with these carriers to provide feedback on the process.</p> <p>5. To promote uniformity and ensure that adequate information is provided to cell phone service providers, the committee recommends adopting form DV-901 for mandatory use.</p> <p>6. The committee recommends adopting form DV-805 for mandatory use.</p> <p>7. Same response as comment number 1</p>



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	Commentator	Position	Comment	Committee Response
			<p>provide progress reports for their batterer intervention program. Rather, they simply need to provide the contact information, and the court or others may seek out a report from the program. If a restrained person were given this form, the inference would likely be that they are required to submit it to their program, and return a report to the court. If that is not the intention, it should be made clear in the instructions, or directly on the form.</p> <p>8. Is the proposed language regarding immigration consequences on DV-110 and DV-130 clear and accurate?</p> <p>Yes.</p>	<p>8. Based on the public comments received and the lack of statutory authority requiring this type of notice, the committee does not recommend including an advisal on the potential immigration consequences of violating a domestic violence protective order.</p>
11	Superior Court of Los Angeles County	AM	<p><b>Rights to Wireless Telephone Number</b></p> <p>1. Does the proposed language in DV-100, item 15, adequately provide the requesting person with notice of the financial responsibilities involved in an order of this kind?</p> <p>Yes, the language in item 15 provides adequate language regarding the financial responsibilities of this order being granted.</p> <p>2. Should form DV-900, if approved, include instructions for cell phone service providers, as reflected on page 2 of DV-900?</p>	<p>1. No response required.</p> <p>2. The committee agrees and recommends including this information for service providers to ensure that requesting parties receive proper notice when a service provider is unable to</p>

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	Commentator	Position	Comment	Committee Response
			<p>Yes, the DV-900 should include instructions for cell phone service providers to insure compliance with this court order</p> <p>3. Should form DV-901, if approved, be a mandatory or optional form?</p> <p>This form should be mandatory. Cell phone service providers will be receiving orders from courts in more than 50 counties. To alleviate confusion and avoid delay in interpreting each order, there should be consistency in the format of the orders coming out of each courtroom and county across the state.</p> <p>4. DV 100: Section 15: Transfer of Cell Phone Account</p> <p>Add after the word “because”: “this is my or a child in my care’s cell phone number but control of”</p> <p>Reasoning: The amendment to Family Code section 6347 indicates that the intent of the Legislature was that the party requesting the order be able to “maintain an existing wireless telephone number, and the wireless numbers of any minor children in the care of the requesting party.” The suggested language assures the bench officer that the cell phone number sought to be maintained is that used by the petitioner and/or the minor children.</p>	<p>transfer the account for technical or operational reasons.</p> <p>3. To promote uniformity and ensure that adequate information is provided to cell phone service providers, the committee recommends adopting form DV-901 as a mandatory form.</p> <p>4. The requester must indicate whether the number is his or hers or a child in their care. The committee believes this accurately addresses the requirement under Family Code section 6343.</p>

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			<p>5. Comment: The narrative under Assembly Bill 1407 on page 2 of the Invitation to Comment indicates that shelters report that 85% of the victims they served are tracked by the abusers via GPS and 75% are eavesdropped on phone calls using hidden mobile applications. If this is accurate, does transferring the phone accounts to the protected parties really protect them, if the restrained party has already installed hidden tracking applications? Or does it create a false sense of security for the protected party? In addition to the warning language about the financial responsibility, would it be helpful to include some warning language about the ability to track? Suggested language could be “Warning: If the restrained party has installed hidden tracking applications on your cell phone or tablet, it may still be possible for him or her to track your movements and conversations, even if you transfer the cell phone account to your name.”</p> <p>6. DV-901: The attachment does not require the party to give an address. Unless the service provider has an alternate means of getting an address for billing purposes an address should be required.</p> <p>7. On the DV-901 in the box at the bottom of the page entitled ATTENTION CELL PHONE SERVICE PROVIDER, in addition to the language about not disclosing confidential information to the Restrained Party, would it be possible to add “or any other third party”. The</p>	<p>5. The committee proposes to include additional information, including resources for safety planning, in the Self-Help section of the Judicial Council website.</p> <p>6. The committee has made this revision.</p> <p>7. Under Family Code section 6347 “The court shall ensure that the contact information of the requesting party is not provided to the accountholder in proceedings held pursuant to Division 10 (commencing with Section 6200).” The notice to providers is consistent with</p>

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	Commentator	Position	Comment	Committee Response
			<p>restrained party may use a third party to try to gain access to information about the protected party. The language of the form as is, does not protect against that happening.</p> <p><b>Batterers Intervention Program</b></p> <p>8. Should form DV-805 and DV-815, if approved, be a mandatory or optional forms?</p> <p>These forms should be mandatory. There are multiple court approved Batterer Intervention Programs in any given county, and some who provide services in multiple counties. Without a mandatory form, each approved agency could generate their own reporting document, requiring additional court time and resources to read and interpret the form to determine what the report means. In addition, an agency generated form may not include the protected party’s name or case number, resulting in mis-filed or unfiled documents, or additional court time and resources in indexing the restrained party’s name in order to properly file the document.</p> <p>9. Does form DV-815, as proposed, meet the statutory requirements without requiring restrained parties or programs to release private or confidential medical or health information otherwise protected by law or not required to be provided under this statute?</p> <p>Yes, the form meets the requirements without</p>	<p>this requirement.</p> <p>8. The committee recommends that form DV-805 be adopted for mandatory use and form DV-815 be approved for optional use. Commentators have raised concerns over adopting form DV-815 when Family Code section 6343 does not require the restrained person to affirmatively report on progress. The committee recognizes that some courts may set regular review hearings to monitor compliance and/or review compliance for purposes of overcoming the presumption against custody under Family Code section 3044. Having an optional form available to litigants and courts will promote access to the court process and uniformity, as suggested by the commentator.</p> <p>9. Some courts already have a practice of receiving progress reports from batterer intervention programs. For those courts, providing the option of attaching a separate report allows them to continue their local practice.</p>

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			<p>requiring release of any private or confidential information. However, item #5, which allows the attachment of an optional report, could open the door for an agency to inadvertently release information that should not be disclosed and is not needed by the court. If the agency completes items 1-4, the court will get the information it needs. If the agency doesn't complete the items, and just attaches the optional report, the court is in the situation of needing to read and interpret the report to determine if the restrained party has completed their requirements. Item #5 some not appear to add anything substantively, but unnecessarily opens the door for the possible inadvertent inclusion of private or confidential information.</p> <p>10. DV 805: Item 2 B: This section advises that the restrained person may maintain a confidential address. There does not appear to be authority for this as to a restrained party. DV 815 at the same section gives conflicting information that the address will not be confidential.</p> <p><b>Immigration Consequences</b>            11. Is the proposed language regarding immigration consequences on DV-110 and DV-130 clear and accurate?</p> <p>The proposed language reads: "If the court finds that you violated this order and you are NOT a U. S. citizen, you may or will be:"</p>	<p>10. This language is consistent with other DV forms which only require that a mailing address be provided.</p> <p>11. Based on the public comments received and the lack of statutory authority requiring this type of notice, the committee does not recommend including an advisal on the potential immigration consequences of violating a domestic violence protective order.</p>

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			<p>“You may or will be” is legally correct, but may not be clear to a self-represented litigant. As an alternate, “you can be” is cleaner and clearer for a litigant to understand.</p> <p>DV 110: Add at page 2, in the bold print below “To the person in 2”: “and you may also have immigration consequences if you are not a U.S. citizen”</p> <p>Reasoning: This mirrors the language added at page 5.</p> <p><b>Other comments</b></p> <p>12. DV-130, item #27 Change: “Number of pages attached to this six page form” to “seven page form” to reflect the new length of the form.</p>	<p>12. The committee has made this revision.</p>
12	Superior Court of Orange County By the Family Law and Juvenile Court Managers	AM	<p><b>Batterers Intervention Program</b></p> <p>1. We recommend DV-805 be an optional form. Many of our judges set review hearings Re: proof of enrollment. We would also like to recommend the following form changes:</p> <p>2. Remove item #4(b); the majority of the time parties will not know if a program was approved by the probation department.</p>	<p>1. To promote uniformity, the committee recommends adopting form DV-805 for mandatory use. The committee notes that the majority of commentators indicated that form DV-805, if adopted, should be mandatory.</p> <p>2. Approval of the program by the probation department is a statutory requirement. Restrained persons have notice of this requirement on form DV-130 and should only enroll in a program approved by the probation department. This form would be completed upon enrollment in an</p>

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			<p>3. Item 4(f) deals with service, so we recommend renumbering it; it should be its own section (item 5). We also recommend adding instructions when the protected parties address is confidential.</p> <p>4. We believe DV-815 should not be mandatory. Many of our judges set review hearings Re: progress report. We recommend adding a separator line after item #2 to make it clearer to parties that the programs are to complete items 3, 4, and 5.</p> <p><b>Rights to Wireless Telephone Number</b></p> <p>5. We recommend DV-900 be an optional form. Some courts may opt to use minute orders for this purpose.</p> <p>6. DV-901, we recommend adding clarification to the DO NOT FILE... box to reflect this is a confidential form and should not be part of the</p>	<p>approved program.</p> <p>3. The committee agrees and has separated the section on service from the other requirements under 6343. The committee recommends providing more information on how service can be accomplished by the restrained person. However, courts will have to decide how service can be accomplished in situations when the protected parties address is confidential on a case-by-case basis.</p> <p>4. The committee recommends form DV-815 be approved for optional use. The language “Items 3 through 5 must be completed by the program” now follows item 2 and should be more prominent.</p> <p>5. The committee recommends adopting form DV-900 for mandatory use. The statute requires the court to send a separate order to the service provider. A minute order that is not a court order would not be sufficient. Additionally, having a standard order may assist service providers in efficiently processing these types of orders.</p> <p>6. The committee has added language to clarify that the form should not be filed or placed in the court file. This form should not be retained by</p>

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	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			public court file.	courts either in the public portion of the court file or in a confidential folder.
13	Superior Court of Riverside County	A	<p>1. The Proposal appropriately addresses the stated purpose.</p> <p><b>Rights to Wireless Telephone Number</b></p> <p>2. We would suggest the proposed language in DV-100, item 15 read as follows: <i>“By making this request, and if the judicial officer makes this order, I understand that I am legally responsible for all rights, responsibilities, including all financial responsibility, for these telephone numbers, monthly service costs, and costs for any mobile devices (i.e. cell phones, tablets, etc.) associated with the telephone numbers listed in the final order”</i>.</p> <p>3. The DV-900 should include instructions for cell phone service providers if approved.</p> <p>4. In addition, we would suggest changing <i>Name:</i> to <i>Name of Provider:</i>. Since the DV-900 is a court order, we would recommend that the form include a clerk’s certificate to certify that it is a true and correct copy. Cell Providers may not accept unless the order is certified.</p> <p>5. The DV-901 should be a mandatory form.</p>	<p>1. No response required.</p> <p>2. The committee prefers the current language, as reflected in the <i>Invitation to Comment</i>, because it emphasizes the financial responsibilities associated with this type of order. .</p> <p>3. The committee agrees and recommends including this information for service providers to ensure that requesting parties receive proper notice when a service provider is unable to transfer the account for technical or operational reasons.</p> <p>4. The committee has made these revisions.</p> <p>5. To promote uniformity and ensure that adequate information is provided to cell phone</p>



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			<p><b>Batterers Intervention Program</b></p> <p>6. Our preference is that the DV-805 and DV-815 would be optional forms.</p> <p><b>Other Comments</b></p> <p>7. On the DV-110, we did not see a place/section for the judicial officer to indicate their order on the applicant request to shorten the time for service (notice).</p> <p>8. On the DV-110, please remove the statement  <i>Person in ① must complete items ①, ②, and ③ only.</i> at the top of the form. Generally it is the judicial officer’s preference that the applicants complete the request and mirror their request across the DV-110 and the DV-130. If changes need to be</p>	<p>service providers, the committee recommends adopting form DV-901 as a mandatory form.</p> <p>6. The committee recommends that form DV-805 be adopted for mandatory use to help restrained persons comply with the legal requirements set forth in Family Code section 6343.</p> <p>The committee agrees that form DV-815 should be approved as an optional form. While Family Code section 6343 does not create an affirmative obligation on the part of the restrained person to report on compliance, the court may require the restrained person to report on compliance especially in cases involving children where there is a presumption against custody under Family Code section 3044.</p> <p>7. An order shortening time is provided on form DV-109.</p> <p>8. Because this change impacts court practice, the committee does not recommend this revision without public comment.</p>

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	Commentator	Position	Comment	Committee Response
			made, the judicial officer makes interlineations to the document.	
14	Superior Court of Sacramento County By the Family Law staff	AM	<p><b>Rights to Wireless Phone Number</b></p> <p>1. Page 4, NEW DV-901 form: This form does not come to the court, the phone service providers should design their own form.</p> <p>Form DV-901 – This not Judicial Council form to create. The requirement for the form is the responsibility of the Secretary of State. This form should be removed.</p> <p>2. Page 4, Revise DV-100 form: Excerpt – “...add language to notify the requesting party of some of the financial responsibilities...”. This language is unnecessary, the court currently does not point out all situations that may result in a change of financial responsibility.</p> <p>Form DV-100, page 3 of 6, item 15 – remove language “billing responsibility” this goes without saying.</p> <p>3. Form DV-130, Page 3 of 7 – Remove item 15. It refers to the court making a separate order on form DV-900. If the order is on a separate order, there is no need to include the reference in DV-130.</p> <p><b>Immigration Consequences</b></p> <p>4. Page 1, Excerpt: “The committee also</p>	<p>1. To promote uniformity and ensure that adequate information is provided to cell phone service providers, the committee recommends adopting form DV-901 as a mandatory form.</p> <p>2. The committee prefers to notify requesting parties of the financial and billing responsibilities associated with an order of this kind. This remedy is new and the process may be challenging for litigants to navigate, especially self-represented litigants.</p> <p>3. The committee prefers to keep this information on form DV-130 so litigants know which form the order is contained in.</p> <p>4. Based on the public comments received and the</p>

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	Commentator	Position	Comment	Committee Response
			<p>recommends including an additional advisement on the restraining order forms to notify the restrained party of the possible immigration consequences for violating a restraining order.” The court does not see this as the court’s role; the court has no expertise or jurisdiction with regards to immigration.</p> <p>Page 5, Advisement of Potential Immigration Consequences: The State Branch should not get involved in Federal Law. Recommend removing language regarding “immigration consequences.”</p> <p>Form DV-110, Page 5 of 6, opening statement – Remove reference “...And You May Also Have Immigration Consequences if You Are Not a U.S. Citizen.” Also, fourth bullet “If the court finds that you violated this order and you are NOT a U.S. citizen, you may or will be:...” Remove this section as it implies that the court will report them to ICE. This language will discourage participation in Family Court.</p> <p><b>Other Comments</b></p> <p>8. Page 4, Excerpt – “Item 27, expand Description of Abuse”, “Item 23 Other Orders and Item 28 Other Persons to be Protected”, unnecessary to change form as it is unrelated to legislation.</p>	<p>lack of statutory authority requiring this type of notice, the committee does not recommend including an advisal on the potential immigration consequences of violating a domestic violence protective order.</p> <p>8. Implementation of AB 1407 requires the committee to make changes to form DV-100. The changes resulting from implementation of AB 1407 required adding another page to form DV-100 which created more space on the form. Expanding these sections should help court-users.</p>

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			<p>9. All forms, Global Comment – in the phrase “Attach a sheet of paper and write...” replace the word “write” with “type or print”.</p> <p>10. Form DV-120, Global Comment – Adding the phrase “Specify your reasons in item 25, page 4 of this form” is confusing and will result in less clear explanation. Add lines for so respondent can provide details after each question where necessary.</p>	<p>9. The forms use “write” for plain language.</p> <p>10. The form would have to be significantly lengthened to provide space under each item. The committee will consider this suggestion for a future proposal.</p> <p>The form would have to be significantly lengthened to provide space under each item and for some litigants may still not leave sufficient space necessitating attachments. The committee must balance the need to ensure an opportunity for litigants to provide information with the impact of longer forms for file storage and environmental considerations.</p>
15	Superior Court of San Diego County By Mike Roddy, Court Executive Officer	AM	<p><b>Batterers Intervention Program</b></p> <p>1. DV-805:</p> <ul style="list-style-type: none"> <li>• “To the Restrained Person”: This section informs the restrained party that he or she “may” use this form for proof, however the form is a mandatory form.</li> <li>• “Batterer Intervention Program”: The check boxes should be removed from items a-d and f.</li> <li>• Remove item 4f and replace with a notice at the bottom of the form with the following: “You must provide the protected party with the information listed in (4).” The current language in item 4f, instructs the restrained party to provide the protected person with the</li> </ul>	<p>1. The committee has made most of these suggestions. A check box precedes items that are not required under 6343.</p>

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			<p>protected person’s name (item 1).</p> <p>2. DV-815:</p> <ul style="list-style-type: none"> <li>• Move sentence in item 3a that states “Report date: Intake date: Class start date:” to Item 4.</li> <li>• Remove check box from item 3b.</li> <li>• At Item 4, retitle to “Program Attendance and Progress of Person in (2)”Report date: Intake date: Class start date:</li> <li>• renumber items a-d to b-e.</li> </ul> <p><b>Rights to Wireless Telephone Number</b></p> <p>3. DV-900:</p> <ul style="list-style-type: none"> <li>• Page 2: replace “performed” with “followed” in the first sentence.</li> <li>• Replace the word “and” at the end of the second bullet with “or” [since it can be any of those circumstances].</li> </ul> <p>DV-901:</p> <p>4. “ATTENTION PROTECTED PERSON”: The second sentence includes “service provider” as the shortened version of cell phone service provider. However, DV-900 (page 2) lists the shortened name as “provider.” The term is italicized on the DV-901 but not on the DV-900.</p> <p>5. The third sentence should be combined with the second sentence to read as follows:</p>	<p>2. This information is included in item 3 so it is completed by all providers. Programs electing to attach an optional report will skip item 4.</p> <p>Check box preceding item 3(b) has been removed.</p> <p>3. The committee has made these revisions.</p> <p>4. The forms have been revised to use consistent terms on all forms.</p> <p>5. The committee has made this revision.</p>

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### Domestic Violence Restraining Orders: New and Updated Forms to Reflect Recent Legislative Changes

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	Commentator	Position	Comment	Committee Response
			<p>“Complete this form and send it to the cell phone service provider (<i>service provider</i>), along with a copy of the order (Form DV-900).</p> <p><b>Immigration Consequences</b> 6. Replace “deported/deportation” on forms with “removed/removal” to reflect current language used in immigration hearings.</p>	<p>6. Based on the public comments received and the lack of statutory authority requiring this type of notice, the committee does not recommend including an advisal on the potential immigration consequences of violating a domestic violence protective order.</p>

Clerk stamps date here when form is filed.

You must also complete Form CLETS-001, Confidential CLETS Information, and give it to the clerk when you file this Request.

DRAFT

NOT APPROVED BY THE JUDICIAL COUNCIL

1 Name of Person Asking for Protection:

Age: \_\_\_\_\_

Your lawyer in this case (if you have one):

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

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

Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, or e-mail.):

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

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

2 Name of Person You Want Protection From:

Description of person you want protection from:

Sex: [ ] M [ ] F Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_

Race: \_\_\_\_\_ Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Address (if known): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

3 Do you want an order to protect family or household members? [ ] Yes [ ] No

If yes, list them:

Table with columns: Full name, Sex, Age, Lives with you?, Relationship to you. Includes checkboxes for Yes/No.

[ ] Check here if you need more space. Attach a sheet of paper and write "DV-100, Protected People" for a title.

4 What is your relationship to the person in (2) ? (Check all that apply):

- a. [ ] We are now married or registered domestic partners.
b. [ ] We used to be married or registered domestic partners.
c. [ ] We live together.
d. [ ] We used to live together.
e. [ ] We are related by blood, marriage, or adoption (specify relationship):
f. [ ] We are dating or used to date, or we are or used to be engaged to be married.
g. [ ] We are the parents together of a child or children under 18:
h. [ ] We have signed a Voluntary Declaration of Paternity for our child or children.

If you do not have one of these relationships, the court may not be able to consider your request. Read Form DV-500-INFO for help.

This is not a Court Order.



**5 Other Restraining Orders and Court Cases**

a. Are there any restraining/protective orders currently in place OR that have expired in the last six months (emergency protective orders, criminal, juvenile, family)?

No  Yes (date of order): \_\_\_\_\_ and (expiration date): \_\_\_\_\_ (Attach a copy if you have one).

b. Have you or any other person named in (3) been involved in another court case with the person in (2)?

No  Yes If yes, check each kind of case and indicate where and when each was filed:

Kind of Case	County or Tribe Where Filed	Year Filed	Case Number (if known)
<input type="checkbox"/> Divorce, Nullity, Legal Separation	_____	_____	_____
<input type="checkbox"/> Civil Harassment	_____	_____	_____
<input type="checkbox"/> Domestic Violence	_____	_____	_____
<input type="checkbox"/> Criminal	_____	_____	_____
<input type="checkbox"/> Juvenile, Dependency, Guardianship	_____	_____	_____
<input type="checkbox"/> Child Support	_____	_____	_____
<input type="checkbox"/> Parentage, Paternity	_____	_____	_____
<input type="checkbox"/> Other (specify): _____	_____	_____	_____
<input type="checkbox"/> Check here if you need more space. Attach a sheet of paper and write "DV-100, Other Court Cases" for a title.			

**Check the orders you want.**

**6  Personal Conduct Orders**

I ask the court to order the person in (2) not to do the following things to me or anyone listed in (3):

- a.  Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, impersonate (on the Internet, electronically or otherwise), or block movements
- b.  Contact, either directly or indirectly, in any way, including but not limited to, by telephone, mail or e-mail or other electronic means

The person in (2) will be ordered not to take any action to get the addresses or locations of any protected person unless the court finds good cause not to make the order.

**7  Stay-Away Order**

a. I ask the court to order the person in (2) to stay at least \_\_\_\_\_ yards away from (check all that apply):

- Me  My school
- My home  Each person listed in (3)
- My job or workplace  The child(ren)'s school or child care
- My vehicle  Other (specify): \_\_\_\_\_

b. If the person listed in (2) is ordered to stay away from all the places listed above, will he or she still be able to get to his or her home, school, job, workplace, or vehicle?  Yes  No (If no, explain):

\_\_\_\_\_

**8  Move-Out Order**

(If the person in (2) lives with you and you want that person to stay away from your home, you must ask for this move-out order.)

I ask the court to order the person in (2) to move out from and not return to (address):

\_\_\_\_\_

I have the right to live at the above address because (explain):

\_\_\_\_\_

**This is not a Court Order.**





**9 Guns or Other Firearms or Ammunition**

I believe the person in (2) owns or possesses guns, firearms, or ammunition.  Yes  No  I don't know  
*If the judge approves the order, the person in (2) will be ordered not to own, possess, purchase, or receive a firearm or ammunition. The person will be ordered to sell to, or store with, a licensed gun dealer, or turn in to law enforcement, any guns or firearms that he or she owns or possesses.*

**10  Record Unlawful Communications**

I ask for the right to record communications made to me by the person in (2) that violate the judge's orders.

**11  Care of Animals**

I ask for the sole possession, care, and control of the animals listed below. I ask the court to order the person in (2) to stay at least \_\_\_\_\_ yards away from and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of the following animals:

\_\_\_\_\_

\_\_\_\_\_

I ask for the animals to be with me because:

\_\_\_\_\_

\_\_\_\_\_

**12  Child Custody and Visitation**

- a.  I do not have a child custody or visitation order and I want one.  
 b.  I have a child custody or visitation order and I want it changed.

*If you ask for orders, you must fill out and attach Form DV-105, Request for Child Custody and Visitation Orders. You and the other parent may tell the court that you want to be legal parents of the children (use Form DV-180, Agreement and Judgment of Parentage).*

**13  Child Support (Check all that apply):**

- a.  I do not have a child support order and I want one.  
 b.  I have a child support order and I want it changed.  
 c.  I now receive or have applied for TANF, Welfare, CalWORKS, or Medi-Cal.

*If you ask for child support orders, you must fill out and attach form FL-150, Income and Expense Declaration or Form FL-155, Financial Statement (Simplified).*

**14  Property Control**

I ask the court to give *only* me temporary use, possession, and control of the property listed here:

\_\_\_\_\_

\_\_\_\_\_

**15  Debt Payment**

I ask the court to order the person in (2) to make these payments while the order is in effect:

*Check here if you need more space. Attach a sheet of paper and write "DV-100, Debt Payment" for a title.*

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

**16  Property Restraint**

**I am married to or have a registered domestic partnership with the person in (2).** I ask the judge to order that the person in (2) not borrow against, sell, hide, or get rid of or destroy any possessions or property, except in the usual course of business or for necessities of life. I also ask the judge to order the person in (2) to notify me of any new or big expenses and to explain them to the court.

**17  Spousal Support**

I am married to or have a registered domestic partnership with the person in (2) and no spousal support order exists. I ask the court to order the person in (2) to pay spousal support. *(You must complete, file, and serve Form FL-150, Income and Expense Declaration, before your hearing).*

**This is not a Court Order.**



**18**  **Rights to Mobile Device and Wireless Phone Account**

**a.**  **Property control of mobile device and wireless phone account**

I ask the court to give **only** me temporary use, possession, and control of the following mobile devices: \_\_\_\_\_ and the wireless phone account for the following wireless phone numbers because the account currently belongs to the person in **(2)** :

- (including area code): \_\_\_\_\_  my number  number of child in my care
- (including area code): \_\_\_\_\_  my number  number of child in my care
- (including area code): \_\_\_\_\_  my number  number of child in my care

Check here if you need more space. Attach a sheet of paper and write "DV-100, Rights to Mobile Device and Wireless Phone Account" for a title.

**b.**  **Debt Payment**

I ask the court to order the person in **(2)** to make the payments for the wireless phone accounts listed in 18a because: \_\_\_\_\_

Name of the wireless service provider is: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due Date: \_\_\_\_\_

*If you are requesting this order, you must complete, file, and serve Form FL-150, Income and Expense Declaration, before your hearing.*

**c.**  **Transfer of Wireless Phone Account**

I ask the court to order the wireless service provider to transfer the billing responsibility and rights to the wireless phone numbers listed in 18a to me because the account currently belongs to the person in **(2)** .

*If the judge makes this order, you will be financially responsible for these accounts, including monthly service fees and costs of any mobile devices connected to these phone numbers. You may be responsible for other fees. You must contact the wireless service provider to find out what fees you will be responsible for and whether you are eligible for an account.*

**19**  **Insurance**

I ask the court to order the person in **(2)** NOT to cash, borrow against, cancel, transfer, dispose of, or change the beneficiaries of any insurance or coverage held for the benefit of me or the person in **(2)**, or our child(ren), for whom support may be ordered, or both.

**20**  **Lawyer's Fees and Costs**

I ask that the person in **(2)** pay some or all of my lawyer's fees and costs.

*You must complete, file, and serve form FL-150, Income and Expense Declaration, before your hearing.*

**21**  **Payments for Costs and Services**

I ask the court to order the person in **(2)** to pay the following:

*You can ask for lost earnings or your costs for services caused directly by the person in **(2)** (damaged property, medical care, counseling, temporary housing, etc.). You must bring proof of these expenses to your hearing.*

Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_

Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_

**22**  **Batterer Intervention Program**

I ask the court to order the person listed in **(2)** to go to a 52-week batterer intervention program and show proof of completion to the court.

**23**  **Other Orders**

What other orders are you asking for? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Check here if you need more space. Attach a sheet of paper and write "DV-100, Other Orders" for a title.

**This is not a Court Order.**



**24**  **Time for Service (Notice)**

*The papers must be personally served on the person in ② at least five days before the hearing, unless the court orders a shorter time for service. If you want there to be fewer than five days between service and the hearing, explain why below. For help, read Form DV-200-INFO, "What Is Proof of Personal Service"?*

\_\_\_\_\_

\_\_\_\_\_

**25** **No Fee to Serve (Notify) Restrained Person**

*If you want the sheriff or marshal to serve (notify) the restrained person about the orders for free, ask the court clerk what you need to do.*

**26** **Court Hearing**

The court will schedule a hearing on your request. If the judge does not make the orders effective right away ("temporary restraining orders"), the judge may still make the orders after the hearing. If the judge does not make the orders effective right away, you can ask the court to cancel the hearing. Read form DV-112, *Waiver of Hearing on Denied Request for Temporary Restraining Order*, for more information.

**27** **Describe Abuse**

Describe how the person in ② abused you. Abuse means to intentionally or recklessly cause or attempt to cause bodily injury to you; or to place you or another person in reasonable fear of imminent serious bodily injury; or to harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, keep you under surveillance, impersonate (on the Internet, electronically or otherwise), batter, telephone, or contact you; or to disturb your peace; or to destroy your personal property. (For a complete definition, see Fam. Code, §§ 6203, 6320.)

a. Date of most recent abuse: \_\_\_\_\_

1. Who was there? \_\_\_\_\_

2. Describe how the person in ② abused you or your child(ren):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Check here if you need more space. Attach a sheet of paper and write "DV-100, Recent Abuse" for a title.

3. Did the person in ② use or threaten to use a gun or any other weapon?  No  Yes (If yes, describe):

\_\_\_\_\_

\_\_\_\_\_

4. Describe any injuries: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. Did the police come?  No  Yes

If yes, did they give you or the person in ② an Emergency Protective Order?  Yes  No  I don't know  
*Attach a copy if you have one.*

The order protects  you or  the person in ②

**This is not a Court Order.**



**27 Describe Abuse (continued)**

Has the person in 2 abused you (or your child(ren)) other times?

b. Date of abuse: \_\_\_\_\_

1. Who was there? \_\_\_\_\_

2. Describe how the person in 2 abused you or your child(ren):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Check here if you need more space. Attach a sheet of paper and write "DV-100, Recent Abuse" for a title.

3. Did the person in 2 use or threaten to use a gun or any other weapon?  No  Yes (If yes, describe):

4. Describe any injuries: \_\_\_\_\_  
\_\_\_\_\_

5. Did the police come?  No  Yes

If yes, did they give you or the person in 2 an Emergency Protective Order?

Yes  No  I don't know Attach a copy if you have one.

The order protects  you or  the person in 2

If the person in 2 abused you other times, check here  and use [Form DV-101](#), Description of Abuse or describe any previous abuse on an attached sheet of paper and write "DV-100, Previous Abuse" for a title.

**28 Other Persons to Be Protected**

The persons listed in item 3 need an order for protection because (describe): \_\_\_\_\_

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

29 Number of pages attached to this form, if any: \_\_\_\_\_

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

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

\_\_\_\_\_  
Lawyer's name, if you have one

\_\_\_\_\_  
Lawyer's signature

**This is not a Court Order.**

Clerk stamps date here when form is filed.

Person in ① must complete items ①, ②, and ③ only.

**DRAFT**

**NOT APPROVED  
BY THE JUDICIAL COUNCIL**

**① Name of Protected Person:**

Your lawyer in this case (if you have one):

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

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

**Address** (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, or e-mail.):

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

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:**

**② Name of Restrained Person:**

Description of restrained person:

Sex:  M  F Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_

Race: \_\_\_\_\_ Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Address (if known): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Relationship to protected person: \_\_\_\_\_

**③  Additional Protected Persons**

In addition to the person named in ①, the following persons are protected by temporary orders as indicated in items ⑥ and ⑦ (family or household members):

<u>Full name</u>	<u>Relationship to person in ①</u>	<u>Sex</u>	<u>Age</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Check here if there are additional protected persons. List them on an attached sheet of paper and write, "DV-110, Additional Protected Persons" as a title.

The court will complete the rest of this form.

**④ Court Hearing**

This order expires at the end of the hearing stated below:

Hearing Date: \_\_\_\_\_ Time: \_\_\_\_\_  a.m.  p.m.

**This is a Court Order.**



- 5  **Criminal Protective Order**
- a.  A criminal protective order on Form CR-160, *Criminal Protective Order—Domestic Violence*, is in effect.  
Case Number: \_\_\_\_\_ County: \_\_\_\_\_ Expiration Date: \_\_\_\_\_
- b.  No information has been provided to the judge about a criminal protective order.

**To the person in 2**

**The court has granted the temporary orders checked below. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to \$1,000, or both.**

- 6 **Personal Conduct Orders**  Not requested  Denied until the hearing  Granted as follows:
- a. You must **not** do the following things to the person in 1 and  persons in 3:
- Harass, attack, strike, threaten, assault (*sexually or otherwise*), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, impersonate (*on the Internet, electronically or otherwise*), or block movements
  - Contact, either directly or indirectly, in any way, including but not limited to, by telephone, mail, e-mail or other electronic means
  - Take any action, directly or through others, to obtain the addresses or locations of the persons in 1 and 3.  
(If this item is not checked, the court has found good cause not to make this order.)
- b. Peaceful written contact through a lawyer or process server or another person for service of Form DV-120 (*Response to Request for Domestic Violence Restraining Order*) or other legal papers related to a court case is allowed and does not violate this order.
- c.  Exceptions: Brief and peaceful contact with the person in 1, and peaceful contact with children in 3, as required for court-ordered visitation of children, is allowed unless a criminal protective order says otherwise.

- 7 **Stay-Away Order**  Not requested  Denied until the hearing  Granted as follows:
- a. You **must** stay at least (*specify*): \_\_\_\_\_ yards away from (*check all that apply*):
- The person in 1  School of person in 1
  - Home of person in 1  The persons in 3
  - The job or workplace of person in 1  The child(ren)'s school or child care
  - Vehicle of person in 1  Other (*specify*): \_\_\_\_\_
- b.  Exceptions: Brief and peaceful contact with the person in 1, and peaceful contact with children in 3, as required for court-ordered visitation of children, is allowed unless a criminal protective order says otherwise.

- 8 **Move-Out Order**  Not requested  Denied until the hearing  Granted as follows:
- You must take only personal clothing and belongings needed until the hearing and move out immediately from (*address*): \_\_\_\_\_

**This is a Court Order.**



**9 No Guns or Other Firearms or Ammunition**

- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.
- b. You must:
  - Sell to, or store with, a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms within your immediate possession or control. Do so within 24 hours of being served with this order.
  - Within 48 hours of receiving this order, file with the court a receipt that proves guns have been turned in, stored, or sold. (You may use [Form DV-800, Proof of Firearms Turned In, Sold, or Stored](#), for the receipt.) Bring a court filed copy to the hearing.
- c.  The court has received information that you own or possess a firearm.

**10 Record Unlawful Communications**

Not requested    Denied until the hearing    Granted as follows:  
 The person in ① can record communications made by you that violate the judge’s orders.

**11 Care of Animals    Not requested    Denied until the hearing    Granted as follows:**

The person in ① is given the sole possession, care, and control of the animals listed below. The person in ② must stay at least \_\_\_\_\_ yards away from and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of the following animals:

\_\_\_\_\_

\_\_\_\_\_

**12 Child Custody and Visitation    Not requested    Denied until the hearing    Granted as follows:**

Child custody and visitation are ordered on the attached Form DV-140, *Child Custody and Visitation Order* or (*specify other form*): \_\_\_\_\_. The parent with temporary custody of the child must not remove the child from California unless the court allows it after a noticed hearing (Fam. Code, § 3063).

**13 Child Support**

Not ordered now but may be ordered after a noticed hearing.

**14 Property Control    Not requested    Denied until the hearing    Granted as follows:**

Until the hearing, *only* the person in ① can use, control, and possess the following property:

\_\_\_\_\_

**15 Debt Payment    Not requested    Denied until the hearing    Granted as follows:**

The person in ② must make these payments until this order ends:

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

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

**16 Property Restraint    Not requested    Denied until the hearing    Granted as follows:**

If the people in ① and ② are married to each other or are registered domestic partners,  the person in ①  the person in ② must not transfer, borrow against, sell, hide, or get rid of or destroy any property, including animals, except in the usual course of business or for necessities of life. In addition, each person must notify the other of any new or big expenses and explain them to the court. (*The person in ② cannot contact the person in ① if the court has made a “no contact” order.*)

Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order.

**This is a Court Order.**

**17 Spousal Support**

Not ordered now but may be ordered after a noticed hearing.

**18 Rights to Mobile Device and Wireless Phone Account**

**a. Property control of mobile device and wireless phone account**

Not requested  Denied until the hearing  Granted as follows:

Until the hearing, only the person in ① can use, control, and possess the following property:

Mobile device (describe) \_\_\_\_\_ and account (phone number): \_\_\_\_\_

Mobile device (describe) \_\_\_\_\_ and account (phone number): \_\_\_\_\_

Mobile device (describe) \_\_\_\_\_ and account (phone number): \_\_\_\_\_

Check here if you need more space. Attach a sheet of paper and write "DV-110 Rights to Mobile Device and Wireless Phone Account" as a title.

**b. Debt Payment**  Not requested  Denied until the hearing  Granted as follows:

The person in ② must make these payments until this order ends:

Pay to (wireless service provider): \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_

**c. Transfer of Wireless Phone Account**

Not ordered now but may be ordered after a noticed hearing.

**19 Insurance**

The person in ①  the person in ② is ordered NOT to cash, borrow against, cancel, transfer, dispose of, or change the beneficiaries of any insurance or coverage held for the benefit of the parties, or their child(ren), if any, for whom support may be ordered, or both.

**20 Lawyer's Fees and Costs**

Not ordered now but may be ordered after a noticed hearing.

**21 Payments for Costs and Services**

Not ordered now but may be ordered after a noticed hearing.

**22 Batterer Intervention Program**

Not ordered now but may be ordered after a noticed hearing.

**23 Other Orders**  Not requested  Denied until the hearing  Granted as follows:

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

Check here if there are additional orders. List them on an attached sheet of paper and write "DV-110, Other Orders" as a title.

**24 No Fee to Serve (Notify) Restrained Person**

If the sheriff serves this order, he or she will do so for free.

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

\_\_\_\_\_  
Judge (or Judicial Officer)

**This is a Court Order.**





## Warnings and Notices to the Restrained Person in ②

### If You Do Not Obey This Order, You Can Be Arrested And Charged With a Crime.

- If you do not obey this order, you can go to jail or prison and/or pay a fine.
- It is a felony to take or hide a child in violation of this order.
- If you travel to another state or to tribal lands or make the protected person do so, with the intention of disobeying this order, you can be charged with a federal crime.

### You Cannot Have Guns, Firearms, And/Or Ammunition.



**You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, and/or ammunition while the order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms that you have or control. The judge will ask you for proof that you did so. If you do not obey this order, you can be charged with a crime. Federal law says you cannot have guns or ammunition while the order is in effect.**

### Service of Order by Mail

If the judge makes a restraining order at the hearing, which has the same orders as in this form, you will get a copy of that order by mail at your last known address, which is written in ②. If this address is incorrect, or to find out if the orders were made permanent, contact the court.

### Child Custody, Visitation, and Support

- **Child custody and visitation:** If you do not go to the hearing, the judge can make custody and visitation orders for your children without hearing from you.
- **Child support:** The judge can order child support based on the income of both parents. The judge can also have that support taken directly from a parent's paycheck. Child support can be a lot of money, and usually you have to pay until the child is age 18. File and serve a *Financial Statement (Simplified)* (form FL-155) or an *Income and Expense Declaration* (form FL-150) if you want the judge to have information about your finances. Otherwise, the court may make support orders without hearing from you.
- **Spousal support:** File and serve an *Income and Expense Declaration* (form FL-150) so the judge will have information about your finances. Otherwise, the court may make support orders without hearing from you.

## Instructions for Law Enforcement

This order is effective when made. It is enforceable by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS). If the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing, the agency shall advise the restrained person of the terms of the order and then shall enforce it. Violations of this order are subject to criminal penalties.

### Arrest Required if Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6.

**This is a Court Order.**



### If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, the orders remain in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The orders can be changed only by another court order. (Pen. Code, §13710(b).)

### Conflicting Orders—Priorities for Enforcement

**If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced according to the following priorities (see Pen. Code, § 136.2, and Fam. Code, §§ 6383(h), 6405(b)):**

1. *EPO*: If one of the orders is an *Emergency Protective Order* (form EPO-001), and it is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. *No-Contact Order*: If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence in enforcement over any other restraining or protective order.
3. *Criminal Order*: If none of the orders includes a no-contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
4. *Family, Juvenile, or Civil Order*: If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

### Child Custody and Visitation

- The custody and visitation orders are on form DV-140, items ③ and ④. They are sometimes also written on additional pages or referenced in DV-140 or other orders that are not part of the restraining order.
- **Forms DV-100 and DV-105 are not orders. Do not enforce them.**

#### Certificate of Compliance With VAWA

This temporary protective order meets all “full faith and credit” requirements of the Violence Against Women Act, 18 U.S.C. § 2265 (1994) (VAWA), upon notice of the restrained person. This court has jurisdiction over the parties and the subject matter; the restrained person has been or will be afforded notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. **This order is valid and entitled to enforcement in each jurisdiction throughout the 50 states of the United States, the District of Columbia, all tribal lands, and all U.S. territories, commonwealths, and possessions and shall be enforced as if it were an order of that jurisdiction.**

*(Clerk will fill out this part.)*

#### —Clerk's Certificate—

*Clerk's Certificate*  
[seal]

I certify that this *Temporary 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.

DRAFT

NOT APPROVED BY THE JUDICIAL COUNCIL

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Name of Person Asking for Protection:

(See Form DV-100, item 1):

2 Your Name:

Your lawyer in this case (if you have one):

Name: State Bar No.:

Firm Name:

Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, or e-mail.):

Address:

City: State: Zip:

Telephone: Fax:

E-Mail Address:

3 Use this form to respond to the Request for Domestic Violence Restraining Order (Form DV-100).

- Fill out this form and take it to the court clerk.
Have the person in 1 served by mail with a copy of this form and any attached pages.
For more information, read Form DV-120-INFO, How Can I Respond to a Request for Domestic Violence Restraining Order?
This form is for a response to a restraining order request.

The judge will consider your Response at the hearing.

Write your hearing date, time, and place from Form DV-109, Notice of Court Hearing, item 3, here:

Hearing Date -> Date: Time: Dept.: Room:

You must obey the orders in Form DV-110, Temporary Restraining Order, until the hearing. At the hearing, the court may make restraining orders against you that could last up to five years and could be renewed.

4 Relationship to Person Asking for Protection

- I agree to the relationship listed in item 4 on Form DV-100.
I do not agree that the other party and I have or had the relationship listed in item 4 on Form DV-100 because:

5 Other Protected People

- I agree to the order requested.
I do not agree to the order requested, but I would agree to:

(Specify your reasons in item 25, page 5, of this form.)

This is not a Court Order.



**6**  **Personal Conduct Orders**a.  I agree to the orders requested.b.  I do not agree to the order requested,  but I would agree to: \_\_\_\_\_

(Specify your reasons in item 25, page 5, of this form.)

**7**  **Stay-Away Order**a.  I agree to the order requested.b.  I do not agree to the order requested,  but I would agree to: \_\_\_\_\_

(Specify your reasons in item 25, page 5, of this form.)

**8**  **Move-Out Order**a.  I agree to the order requested.b.  I do not agree to the order requested,  but I would agree to: \_\_\_\_\_

(Specify your reasons in item 25, page 5, of this form.)

**9**  **Guns or Other Firearms or Ammunition**

If you were served with Form DV-110, Temporary Restraining Order, you must turn in any guns or firearms in your immediate possession or control. You must file a receipt with the court from a law enforcement agency or a licensed gun dealer within 48 hours after you received Form DV-110.

a.  I do not own or have any guns or firearms.b.  I ask for an exemption from the firearms prohibition under Family Code section 6389(h) because (specify): \_\_\_\_\_c.  I have turned in my guns and firearms to law enforcement or sold them to, or stored them with, a licensed gun dealer. A copy of the receipt showing that I turned in, sold, or stored my firearms (check all that apply): is attached  has already been filed with the court.**10**  **Record Unlawful Communications**a.  I agree to the order requested.b.  I do not agree to the order requested,  but I would agree to: \_\_\_\_\_

(Specify your reasons in item 25, page 5, of this form.)

**11**  **Care of Animals**a.  I agree to the order requested.b.  I do not agree to the order requested,  but I would agree to: \_\_\_\_\_

(Specify your reasons in item 25, page 5, of this form.)

**This is not a Court Order.**

- 12**  **Child Custody and Visitation**
- a.  I agree to the order requested.
- b.  I do not agree to the order requested. *(Specify your reasons in item 25, page 4, of this form.)*
- c.  I am not the parent of the child listed in Form DV-105, *Request for Child Custody and Visitation Orders*.
- d.  I ask for the following custody order *(specify)*: \_\_\_\_\_

- e.  I do  I do not agree to the orders requested to limit the child's travel as listed in Form DV-108, *Request for Order: No Travel with Children*.

*You and the other parent may tell the court that you want to be legal parents of the children (use Form DV-180, Agreement and Judgment of Parentage).*

- 13**  **Child Support** *(Check all that apply):*
- a.  I agree to the order requested.
- b.  I do not agree to the order requested. *(Specify your reasons in item 25, page 4, of this form.)*
- c.  I agree to pay guideline child support.

*Whether or not you agree to pay support, you must fill out, serve, and file Form FL-150, Income and Expense Declaration, or Form FL-155, Financial Statement (Simplified).*

- 14**  **Property Control**
- a.  I agree to the order requested.
- b.  I do not agree to the order requested,  but I would agree to: \_\_\_\_\_

*(Specify your reasons in item 25, page 5, of this form.)*

- 15**  **Debt Payment**
- a.  I agree to the order requested.
- b.  I do not agree to the order requested,  but I would agree to: \_\_\_\_\_

*(Specify your reasons in item 25, page 5, of this form.)*

- 16**  **Property Restraint**
- a.  I agree to the order requested.
- b.  I do not agree to the order requested,  but I would agree to: \_\_\_\_\_

*(Specify your reasons in item 25, page 5, of this form.)*

- 17**  **Spousal Support**
- a.  I agree to the order requested.
- b.  I do not agree to the order requested,  but I would agree to: \_\_\_\_\_

*(Specify your reasons in item 25, page 5, of this form.)*

*Whether or not you agree, you must fill out, serve, and file Form FL-150, Income and Expense Declaration.*

**This is not a Court Order.**



**18**  **Rights to Mobile Device and Wireless Phone Account**

- a.  I agree to the order requested.
- b.  I do not agree to the order requested,  but I would agree to: \_\_\_\_\_

*(Specify your reasons in item 25, page 5, of this form.)*

**19**  **Insurance**

- a.  I agree to the order requested.
- b.  I do not agree to the order requested,  but I would agree to: \_\_\_\_\_

*(Specify your reasons in item 25, page 5, of this form.)*

**20**  **Lawyer's Fees and Costs**

- a.  I agree to the order requested.
- b.  I do not agree to the order requested,  but I would agree to: \_\_\_\_\_

*(Specify your reasons in item 25, page 5, of this form.)*

- c.  I request the court to order payment of my lawyer's fees and costs.

*Whether or not you agree, you must fill out, serve, and file Form FL-150, Income and Expense Declaration.*

**21**  **Payments for Costs and Services**

- a.  I agree to the order requested.
- b.  I do not agree to the order requested,  but I would agree to: \_\_\_\_\_

*(Specify your reasons in item 25, page 5, of this form.)*

**22**  **Batterer Intervention Program**

- a.  I agree to the order requested.
- b.  I do not agree to the order requested,  but I would agree to: \_\_\_\_\_

*(Specify your reasons in item 25, page 5, of this form.)*

**23**  **Other Orders** *(see item 22 on Form DV-100)*

- a.  I agree to the order requested.
- b.  I do not agree to the order requested,  but I would agree to: \_\_\_\_\_

*(Specify your reasons in item 25, page 5, of this form.)*

**24**  **Out-of-Pocket Expenses**

I ask the court to order payment of my out-of-pocket expenses because the temporary restraining order was issued without enough supporting facts. The expenses are:

Item: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Item: \_\_\_\_\_ Amount: \$ \_\_\_\_\_

*You must fill out, serve, and file Form FL-150, Income and Expense Declaration.*

**This is not a Court Order.**





## DV-120-INFO How Can I Respond to a Request for Domestic Violence Restraining Order?

### What is a Domestic Violence Restraining Order?

It is a court order that can help protect people who have been abused or threatened with abuse.

Abuse can be physical or emotional. It can be spoken or written.

### What does the order do?

The court can order you to:

- Not contact or harm the protected person, including children or others listed as protected people
- Stay away from all protected people
- Not have any guns or ammunition
- Move out of the place that you share with the protected person
- Follow custody and visitation orders
- Pay child support
- Pay spousal support
- Obey property orders
- Follow other types of orders (listed on *Form DV-100*)

### Who can ask for a domestic violence restraining order?

The person requesting the order must have a relationship with you:

- Someone you date or used to date
- Married, registered domestic partners, separated, engaged, or divorced
- Someone you live or lived with (more than just a roommate)
- A parent, grandparent, sibling, child, or grandchild related by blood, marriage, or adoption

### I've been served with a request for domestic violence restraining order. What do I do now?

Read the papers very carefully. You must follow all the orders the judge made. The *Notice of Court Hearing* tells you when to appear in court. You should go to the hearing, if you do not agree to the orders requested. If you do not go to the hearing, the judge can make orders against you without hearing from you.

### What if I don't obey the order?

The police can arrest you. You can go to jail and pay a fine. You must still follow the orders even if you are not a U.S. citizen. If you are worried about your immigration status, talk to an immigration lawyer.

### How long does the order last?

If there is a *Temporary Restraining Order* in effect, it will last until the hearing date. At the hearing, the judge will decide whether to extend the order or cancel the order. The judge can extend the order for up to five years. Custody, visitation, child support, and spousal support orders can last longer than five years and they do not end when the restraining order ends.

### What if I don't agree with what the order says?

You still must obey the orders until the hearing. If you do NOT agree with the orders the person is asking for, fill out Form DV-120, *Response to Request for Domestic Violence Restraining Order*. After you fill out the form, file it with the court clerk and “serve” the form on the person asking for the restraining order. “Serve” means to have someone 18 years or older—**not you**—mail a copy to the other party. The person who serves your form must fill out Form DV-250, *Proof of Service by Mail*. After Form DV-250 is completed, make sure it is filed with the court clerk. You will also have a chance at the hearing to tell your side of the story. For more information on how to prepare for the hearing, read Form DV-520-INFO, *Get Ready for the Restraining Order Court Hearing*.

### Is there a cost to file my Response (Form DV-120)?

No.

### What if I also have criminal charges against me?

See a lawyer. Anything you say or write, including in this case, can be used against you in your criminal case.





# DV-120-INFO How Can I Respond to a Request for Domestic Violence Restraining Order?

## What if I have a gun or ammunition?

If a restraining order is issued, you cannot own, possess, or have a gun, other firearm, or ammunition while the order is in effect. If you have a gun or other firearm in your immediate possession or control, you must sell it to, or store it with, a licensed gun dealer, or turn it in to a law enforcement agency. You must also prove to the court that you turned in or sold your gun. Read Form DV-800-INFO, *How Do I Turn In, Sell, or Store My Firearms?*, for more information.

## Do I need a lawyer?

You are not entitled to a free court-appointed lawyer for this case but having a lawyer represent you or getting legal advice from a lawyer is a good idea, especially if you have children. If you cannot afford a lawyer, you can represent yourself. There is free or low-cost help available in every county. For help, ask the court clerk how to find free or low-cost legal services and self-help centers in your area. You can also get free help with child support at your local family law facilitator's office.

## What if I do not speak English?

When you file Form DV-120, ask the court clerk if a court interpreter is available for your hearing. If an interpreter is not available, bring someone to interpret for you. Do NOT ask a child, a witness, or anyone to be protected by the order to interpret for you.

## What if I am deaf or hard of hearing?



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 clerks' office or go to [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms) for *Request for Accommodations by Persons With Disabilities and Response* (Form MC-410). (Civ. Code, § 54.8.)

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

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

## What if I have children with the other person?

The judge can make temporary orders for child custody and visitation. If the judge makes a temporary order for child custody, the parent with custody may not remove the child from California before notice to the other parent and a court hearing. Read the order for any other restrictions. There may be some exceptions. Ask a lawyer for more information.

## What if I want to leave the county or state?

You must still comply with the restraining order, including custody and visitation orders. The restraining order is valid anywhere in the United States.

## Will I see the person who asked for the order at the court hearing?

Yes. Assume that the person who is asking for the order will attend the hearing. Do not talk to him or her unless the judge or that person's attorney says that you can. Any temporary restraining order made by the court is in effect until the end of the hearing.

## What if I need a restraining order against the other person?

Do not use this form to request a domestic violence restraining order. For information on how to file your own restraining order, read Form DV-505-INFO. You can also ask the court clerk about free or low-cost legal help.

## What if I am a victim of domestic violence?

For a referral to a local domestic violence or legal assistance program, call the National Domestic Violence Hotline:

**1-800-799-7233**

**TDD: 1-800-787-3224**

It's free and private.

They can help you in more than 100 languages.

## For help in your area, contact:

[Local information may be inserted]

Original Order Amended Order

Clerk stamps date here when form is filed.

DRAFT -

NOT APPROVED BY THE JUDICIAL COUNCIL

Fill in court name and street address:

Superior Court of California, County of

Clerk fills in case number when form is filed.

Case Number:

1 Name of Protected Person:

Your lawyer in this case (if you have one):

Name: State Bar No.:

Firm Name:

Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, or e-mail.):

Address:

City: State: Zip:

Telephone: Fax:

E-Mail Address:

2 Name of Restrained Person:

Description of restrained person:

Sex: M F Height: Weight: Hair Color: Eye Color:

Race: Age: Date of Birth:

Mailing Address (if known):

City: State: Zip:

Relationship to protected person:

3 Additional Protected Persons

In addition to the person named in 1, the following persons are protected by orders as indicated in items 6 and 7 (family or household members):

Table with 4 columns: Full name, Relationship to person in 1, Sex, Age

Check here if there are additional protected persons. List them on an attached sheet of paper and write, "DV-130, Additional Protected Persons," as a title.

4 Expiration Date

The orders, except as noted below, end on

(date): at (time): a.m. p.m. or midnight

- If no date is written, the restraining order ends three years after the date of the hearing in item 5(a).
If no time is written, the restraining order ends at midnight on the expiration date.
Note: Custody, visitation, child support, and spousal support orders remain in effect after the restraining order ends. Custody, visitation, and child support orders usually end when the child is 18.
The court orders are on pages 2, 3, 4, and 5 and attachment pages (if any).

This order complies with VAWA and shall be enforced throughout the United States. See page 5.

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):
- The person in ①       The lawyer for the person in ①(name): \_\_\_\_\_
- The person in ②       The lawyer for the person in ②(name): \_\_\_\_\_
- c. The people in ① and ② must **return to Dept.** \_\_\_\_\_ **of the court** on (date): \_\_\_\_\_  
at (time): \_\_\_\_\_  a.m.    p.m. to review (specify issues): \_\_\_\_\_

**To the person in ②:**

The court has granted the orders checked below. Item ⑨ is also an order. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to \$1,000, or both.

**6 Personal Conduct Orders**

- a. The person in ② must **not** do the following things to the protected people in ① and ③:
- Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, impersonate (on the Internet, electronically or otherwise), or block movements.
- Contact, either directly or indirectly, by any means, including, but not limited to, by telephone, mail, e-mail, or other electronic means.
- Take any action, directly or through others, to obtain the addresses or locations of any protected persons. (If this item is not checked, the court has found good cause not to make this order.)
- b. Peaceful written contact through a lawyer or process server or another person for service of legal papers related to a court case is allowed and does not violate this order.
- c.  Exceptions: Brief and peaceful contact with the person in ①, and peaceful contact with children in ③, as required for court-ordered visitation of children, is allowed unless a criminal protective order says otherwise.

**7 Stay-Away Order**

- a. The person in ② **must** stay at least (specify): \_\_\_\_\_ yards away from (check all that apply):
- The person in ①       School of person in ①
- Home of person in ①       The persons in ③
- The job or workplace of person in ①       The child(ren)'s school or child care
- Vehicle of person in ①       Other (specify): \_\_\_\_\_
- b.  Exceptions: Brief and peaceful contact with the person in ①, and peaceful contact with children in ③, as required for court-ordered visitation of children, is allowed unless a criminal protective order says otherwise.

**8 Move-Out Order**

The person in ② must move out immediately from (address): \_\_\_\_\_

**9 No Guns or Other Firearms or Ammunition**

- a. The person in ② cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.

**This is a Court Order.**

- 9 b. The person in 2 must:
- Sell to, or store with, a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms within his or her immediate possession or control. Do so within 24 hours of being served with this order.
  - Within 48 hours of receiving this order, file with the court a receipt that proves guns have been turned in, sold, or stored. ([Form DV-800, Proof of Firearms Turned In, Sold, or Stored](#), may be used for the receipt.) Bring a court filed copy to the hearing.
- c.  The court has received information that the person in 2 owns or possesses a firearm.
- d.  The court has made the necessary findings and applies the firearm relinquishment exemption under Family Code section 6389(h). Under California law, the person in 2 is not required to relinquish this firearm (*specify make, model, and serial number of firearm*): \_\_\_\_\_  
 The firearm must be in his or her physical possession only during scheduled work hours and during travel to and from his or her place of employment. Even if exempt under California law, the person in 2 may be subject to federal prosecution for possessing or controlling a firearm.

10  **Record Unlawful Communications**

The person in 1 has the right to record communications made by the person in 2 that violate the judge’s orders.

11  **Care of Animals**

The person in 1 is given the sole possession, care, and control of the animals listed below. The person in 2 must stay at least \_\_\_\_\_ yards away from and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of the following animals: \_\_\_\_\_

12  **Child Custody and Visitation**

Child custody and visitation are ordered on the attached Form DV-140, *Child Custody and Visitation Order* or (*specify other form*): \_\_\_\_\_

13  **Child Support**

Child support is ordered on the attached Form FL-342, *Child Support Information and Order Attachment* or (*specify other form*): \_\_\_\_\_

14  **Property Control**

Only the person in 1 can use, control, and possess the following property: \_\_\_\_\_

15  **Debt Payment**

The person in 2 must make these payments until this order ends:

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

Check here if more payments are ordered. List them on an attached sheet of paper and write “DV-130, Debt Payments” as a title.

16  **Property Restraint**

The  person in 1  person in 2 must not transfer, borrow against, sell, hide, or get rid of or destroy any property, including animals, except in the usual course of business or for necessities of life. In addition, the person must notify the other of any new or big expenses and explain them to the court. (*The person in 2 cannot contact the person in 1 if the court has made a “No-Contact” order.*)

Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order.

**This is a Court Order.**



**17**  **Spousal Support**  
 Spousal support is ordered on the attached Form FL-343, *Spousal, Partner, or Family Support Order Attachment* or (*specify other form*): \_\_\_\_\_

**18**  **Rights to Mobile Device and Wireless Phone Account**

**a.**  **Property Control of Mobile Device and Wireless Phone Account**  
 Only the person in **(1)** can use, control, and possess the following property:  
 Mobile device (*describe*) \_\_\_\_\_ and account (*phone number*): \_\_\_\_\_  
 Mobile device (*describe*) \_\_\_\_\_ and account (*phone number*): \_\_\_\_\_  
 *Check here if you need more space. Attach a sheet of paper and write "DV-130 Rights to Mobile Device and Wireless Phone Account" as a title.*

**b.**  **Debt Payment**  
 The person in **(2)** must make these payments until this order ends:  
 Pay to (*wireless service provider*): \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_

**c.**  **Transfer of Wireless Phone Account**  
 The court has made an order transferring one or more wireless service accounts from the person in **(2)** to the person in **(1)**. These orders are contained in a separate order (Form DV-900).

**19**  **Insurance**  
 The person in **(1)**  the person in **(2)** is ordered NOT to cash, borrow against, cancel, transfer, dispose of, or change the beneficiaries of any insurance or coverage held for the benefit of the parties, or their child(ren), if any, for whom support may be ordered, or both.

**20**  **Lawyer's Fees and Costs**  
 The person in **(2)** must pay the following lawyer's fees and costs:  
 Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_  
 Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_

**21**  **Payments for Costs and Services**  
 The person in **(2)** must pay the following:  
 Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_  
 Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_  
 Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_  
 *Check here if more payments are ordered. List them on an attached sheet of paper and write "DV-130, Payments for Costs and Services" as a title.*

**22**  **Batterer Intervention Program**  
 The person in **(2)** must go to and pay for a 52-week batterer intervention program and show written proof of completion to the court. This program must be approved by the probation department under Penal Code § 1203.097. The person in **(2)** must enroll by (*date*): \_\_\_\_\_ or if no date is listed, must enroll within 30 days after the order is made. The person in **(2)** must complete, file and serve Form 805, Proof of Enrollment for Batterer Intervention Program.

**23**  **Other Orders**  
 Other orders (*specify*): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**24**  **No Fee to Serve (Notify) Restrained Person**  
 If the sheriff or marshal serves this order, he or she will do it for free.

**This is a Court Order.**



**25 Service**

- a.  The people in ① and ② were at the hearing or agreed in writing to this order. No other proof of service is needed.
- b.  The person in ① was at the hearing on the request for original orders. The person in ② was not present.
  - (1)  Proof of service of Form DV-109 and Form DV-110 (if issued) was presented to the court. The judge’s orders in this form are the same as in Form DV-110 except for the end date. The person in ② must be served. This order can be served by mail.
  - (2)  Proof of service of Form DV-109 and Form DV-110 (if issued) was presented to the court. The judge’s orders in this form are different from the orders in Form DV-110, or Form DV-110 was not issued. The person in ② must be personally “served” (given) a copy of this order.
- c.  Proof of service of Form FL-300 to modify the orders in Form DV-130 was presented to the court.
  - (1)  The people in ① and ② were at the hearing or agreed in writing to this order. No other proof of service is needed.
  - (2)  The person in  ①  ② was not at the hearing and must be personally “served” (given) a copy of this amended order.

**26 Criminal Protective Order**

- a.  Form CR-160, *Criminal Protective Order—Domestic Violence*, is in effect.  
Case Number: \_\_\_\_\_ County: \_\_\_\_\_ Expiration Date: \_\_\_\_\_
- b.  Other Criminal Protective Order in effect (*specify*): \_\_\_\_\_  
Case Number: \_\_\_\_\_ County: \_\_\_\_\_ Expiration Date: \_\_\_\_\_  
*(List other orders on an attached sheet of paper. Write “DV-130, Other Criminal Protective Orders” as a title.)*
- c.  No information has been provided to the judge about a criminal protective order.

**27 Attached pages are orders.**

- Number of pages attached to this seven-page form: \_\_\_\_\_
- All of the attached pages are part of this order.
- Attachments include (*check all that apply*):  
 DV-140    DV-145    DV-150    FL-342    FL-343    DV-900  
 Other (*specify*): \_\_\_\_\_

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

\_\_\_\_\_  
*Judge (or Judicial Officer)*

**Certificate of Compliance With VAWA**

This restraining (protective) order meets all “full faith and credit” requirements of the Violence Against Women Act, 18 U.S.C. § 2265 (1994) (VAWA) upon notice of the restrained person. This court has jurisdiction over the parties and the subject matter; the restrained person has been or will be afforded notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. **This order is valid and entitled to enforcement in each jurisdiction throughout the 50 states of the United States, the District of Columbia, all tribal lands, and all U.S. territories, commonwealths, and possessions and shall be enforced as if it were an order of that jurisdiction.**

**This is a Court Order.**



**Warnings and Notices to the Restrained Person in 2****If you do not obey this order, you can be arrested and charged with a crime.**

- If you do not obey this order, you can go to jail or prison and/or pay a fine.
- It is a felony to take or hide a child in violation of this order.
- If you travel to another state or to tribal lands or make the protected person do so, with the intention of disobeying this order, you can be charged with a federal crime.

**You cannot have guns, firearms, and/or ammunition.**

**You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, and/or ammunition while the order is in effect. If you do, you can go to jail and pay a \$1,000 fine. Unless the court grants an exemption, you must sell to, or store with, a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms that you have or control. The judge will ask you for proof that you did so. If you do not obey this order, you can be charged with a crime. Federal law says you cannot have guns or ammunition while the order is in effect. Even if exempt under California law, you may be subject to federal prosecution for possessing or controlling a firearm.**

**Instructions for Law Enforcement****Start Date and End Date of Orders**

The orders *start* on the earlier of the following dates:

- The hearing date in item (5) (a) on page 2, or
- The date next to the judge's signature on this page.

The orders *end* on the expiration date in item (4) on page 1. If no date is listed, they end three years from the hearing date.

**Arrest Required if Order Is Violated**

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6.

**Notice/Proof of Service**

Law enforcement must first determine if the restrained person had notice of the orders. If notice cannot be verified, the restrained person must be advised of the terms of the orders. If the restrained person then fails to obey the orders, the officer must enforce them. (Fam. Code, § 6383.)

Consider the restrained person "served" (notified) if:

- The officer sees a copy of the *Proof of Service* or confirms that the *Proof of Service* is on file; *or*
- The restrained person was at the restraining order hearing or was informed of the order by an officer. (Fam. Code, § 6383; Pen. Code, § 836(c)(2).) An officer can obtain information about the contents of the order in the Domestic Violence Restraining Order System (DVROS). (Fam. Code, § 6381(b)-(c).)

**If the Protected Person Contacts the Restrained Person**

Even if the protected person invites or consents to contact with the restrained person, the orders remain in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The orders can be changed only by another court order. (Pen. Code, § 13710(b).)

**This is a Court Order.**

**Child Custody and Visitation**

The custody and visitation orders are on Form DV-140, items ③ and ④. They are sometimes also written on additional pages or referenced in DV-140 or other orders that are not part of the restraining order.

**Enforcing the Restraining Order in California**

Any law enforcement officer in California who receives, sees, or verifies the orders on a paper copy, in the California Law Enforcement Telecommunications System (CLETS), or in an NCIC Protection Order File must enforce the orders.

**Conflicting Orders—Priorities for Enforcement**

**If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority (see Pen. Code, § 136.2 and Fam. Code, §§ 6383(h)(2), 6405(b)):**

1. *EPO*: If one of the orders is an *Emergency Protective Order* (Form EPO-001) and it is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. *No-Contact Order*: If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence in enforcement over any other restraining or protective order.
3. *Criminal Order*: If none of the orders includes a no-contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
4. *Family, Juvenile, or Civil Order*: If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

*(Clerk will fill out this part.)*

**—Clerk's Certificate—**

*Clerk's Certificate*  
[seal]

I certify that this *Restraining Order After Hearing (Order of Protection)* is a true and correct copy of the original on file in the court.

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

**This is a Court Order.**



**DRAFT****NOT APPROVED  
BY THE JUDICIAL  
COUNCIL**

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:****1 Protected Person**

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

**2 Restrained Person**

a. Your Name: \_\_\_\_\_

Your Lawyer (if you have one for this case): \_\_\_\_\_

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

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

b. Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give your telephone, fax, or e-mail.):

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

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

**3 To the Restrained Person:**

If the court has ordered you to complete a 52-week batterer intervention program, you must complete and file this form to prove to the court that you have obeyed its orders. After the order is made, you must enroll in a program by the date ordered by the judge. If the judge did not order you to enroll by a certain date, then you must enroll no later than 30 days after the judge made the order.

I, \_\_\_\_\_, declare as follows:  
Type or print your name

a. I have enrolled in a batterer intervention program that is approved by the probation department under Penal Code section 1203.097.

Name of provider: \_\_\_\_\_

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

Telephone number: \_\_\_\_\_

b. I have signed all necessary forms with the program, allowing the program to release proof of enrollment, attendance records, and completion or termination reports to the court and the protected party, or his or her attorney.

c.  My first class is/was on (date):d.  Other (list any other order made by the court that you have completed):\_\_\_\_\_  
\_\_\_\_\_

**4** You must provide the protected party with the information listed in 3a. Have someone else mail a copy of this form to the protected person. The person who mails it must complete Form DV-250. File Form DV-250 with the clerk and keep a copy for yourself.

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

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

\_\_\_\_\_  
Sign your name

Clerk stamps date here when form is filed.

**DRAFT**  
**NOT APPROVED**  
**BY THE JUDICIAL**  
**COUNCIL**

1 Name of Protected Person: \_\_\_\_\_

2 Name of Restrained Person: \_\_\_\_\_  
Lawyer for Restrained Person (if you have one for this case):  
Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_  
Address (Address of lawyer or address of restrained person. Do not provide an address that should be kept private.): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:**

Items 3 through 5 must be completed by the program

3 Batterer Intervention Program  
a. Name of Program: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Report date: \_\_\_\_\_ Intake date: \_\_\_\_\_ Class start date: \_\_\_\_\_

b. This 52-week program is approved by the probation department under Penal Code section 1203.097.

**TO PROGRAM STAFF:** If you choose to provide another report that contains all the information in 4, skip to 5 and attach your report. Do not forget to provide your name, title, signature, and date at the end of this form.

4 Program Attendance and Progress

a. Number of sessions completed: \_\_\_\_\_ Number of sessions missed: \_\_\_\_\_  
Of the sessions missed, how many excused? \_\_\_\_\_  
b.  The person in 2 is participating and expected to finish by (date): \_\_\_\_\_  
c.  The person in 2 successfully completed the program on (date): \_\_\_\_\_  
d.  The person in 2 was terminated from the program on (date): \_\_\_\_\_, for the following reason (explain): \_\_\_\_\_

5 Optional Report

The attached report includes all information required under California Family code section 6343.

NOTICE TO PROGRAM PROVIDER

This form should NOT be used to disclose information (example: medical or health information) that is protected under state and federal laws without appropriate written authorization from the person in 2.

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

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

\_\_\_\_\_  
(TYPE OR PRINT NAME AND TITLE)



\_\_\_\_\_  
(Signature of program staff)

*Clerk stamps date here when form is filed.*

**TO THE WIRELESS SERVICE PROVIDER:** This order is made under California Family Code section 6347.

**THE ORDER APPLIES TO:****DRAFT****NOT APPROVED  
BY THE JUDICIAL  
COUNCIL**

① Wireless service provider (*name*): \_\_\_\_\_

② Current account holder (*name*): \_\_\_\_\_  
Billing telephone number: \_\_\_\_\_

③ New account holder (*name*): \_\_\_\_\_

④ Transfer of the following wireless phone number(s):  
Telephone number (*include area code*): \_\_\_\_\_  
Telephone number (*include area code*): \_\_\_\_\_  
Telephone number (*include area code*): \_\_\_\_\_  
Telephone number (*include area code*): \_\_\_\_\_  
Telephone number (*include area code*): \_\_\_\_\_

Check box to include attachment with additional telephone number(s).

*Fill in court name and street address:***Superior Court of California, County of***Fills in case number:***Case Number:****⑤ TRANSFER OF RIGHTS AND RESPONSIBILITIES**

All rights and responsibilities for the accounts listed in ④, including all financial responsibility for the telephone numbers, monthly service costs, and costs for any mobile device associated with the telephone numbers, must be immediately transferred to the new account holder (person in ③).

The person in ③ will be financially responsible for the accounts listed in ④ starting:

the date the account is transferred by the wireless service provider

(*specify date*) \_\_\_\_\_

⑥ The person in ③ must send this order and a completed copy of Form DV-901 to the wireless service provider listed in ①. For information on where to send this form and Form DV-901, go to the following website:

<http://www.sos.ca.gov/registries/safe-home/domestic-violence-wireless-plans>. Form DV-901 is a confidential form and must NOT be filed with the court.

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

\_\_\_\_\_  
*Judicial Officer***ATTENTION WIRELESS SERVICE PROVIDER**

The new account holder's (person in ③) contact information, including information on Form DV-901, must NOT be disclosed to the current account holder (person in ②).

This order is made under California's Domestic Violence Prevention Act.

**This is a Court Order.**

**INSTRUCTIONS FOR WIRELESS SERVICE PROVIDER**

The orders contained on page 1 of this form must be followed unless the wireless service provider cannot operationally or technically effectuate the order due to certain circumstances, including, but not limited to, any of the following:

- When the current account holder has already terminated the account
- When differences in network technology prevent the functionality of a device on the network
- When there are geographic or other limitations on network or service availability

If the provider determines that transfer CANNOT occur, then the provider MUST notify the person in ③ within 72 hours of receipt of this order (California Family Code section 6347).

*(Clerk will fill out this part.)*

**—Clerk's Certificate—**

*Clerk's Certificate  
[seal]*

I certify that this order is a true and correct copy of the original on file in the court.

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

**This is a Court Order.**

Your name: \_\_\_\_\_

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

**ATTACHMENT TO  
ORDER TRANSFERRING WIRELESS PHONE ACCOUNT (Form DV-900)**

**Confidential Information**

**DO NOT FILE THIS FORM WITH THE COURT.  
DO NOT PLACE IN THE COURT FILE.**

**ATTENTION PROTECTED PERSON:** This form should not be filed with the court. Complete this form and send it to the wireless service provider (*service provider*), along with a copy of the order (Form DV-900).

**To be completed by Protected Person:**

- ① The service provider is (*name of company*): \_\_\_\_\_
- ② The current account holder (*name of restrained person*): \_\_\_\_\_
- ③ The new account holder (*your name*): \_\_\_\_\_  
Your contact information (*This information will be used by the service provider only. The service provider will use this information to contact you to set up your account*):
  - a. The best phone number to reach you at is (*list a phone number that is not controlled by the restrained person*): \_\_\_\_\_
  - b. Another phone number to reach you at is (*list a phone number that is not controlled by the restrained person*): \_\_\_\_\_
  - c. E-mail address: \_\_\_\_\_
  - d. Mailing address: \_\_\_\_\_

**WHERE SHOULD I SEND FORM DV-900 AND THIS FORM (DV-901)?**

To find out where to send these forms, go to the California Secretary of State's website at <http://www.sos.ca.gov/registries/safe-home/domestic-violence-wireless-plans> OR check at <http://www.courts.ca.gov/selfhelp-domesticviolence.htm> and search for your service provider. You will be able to send the forms by mail, e-mail, or fax, depending on the service provider. The account(s) CANNOT be transferred to you if you do not send these forms to the service provider.

**ATTENTION WIRELESS SERVICE PROVIDER**

Under the Domestic Violence Prevention Act, California Family Code section 6347, the information contained on this form is **CONFIDENTIAL** and must not be disclosed to the Restrained Person (*listed in ②*).