



# Judicial Council of California

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## Subject Details (With Text)

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**Title:** Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms (Action Required)

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| Date       | Ver. | Action By        | Action   | Result |
|------------|------|------------------|----------|--------|
| 10/27/2015 | 1    | Judicial Council | approved | Pass   |

### Title

**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms (Action Required)**

### Summary

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective July 1, 2016, adopt, approve, revise, or amend domestic violence forms and family law rules and forms to (1) implement Family Code section 6345, which requires that the council establish procedures for requesting and recording the modification or termination of orders issued in *Restraining Order After Hearing* (form DV-130); and (2) respond to suggestions from judicial officers, court professionals, legal organizations, and family law attorneys to improve the *Request for Order* (form FL-300) and its associated rules and forms.

### Recommendation

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

1. Adopt, approve, or revise forms used to request and record the modification or termination of orders granted in *Restraining Order After Hearing* (form DV-130):
  - a. Adopt form DV-400 as the court order to terminate a *Domestic Violence Restraining Order After Hearing* (form DV-130);
  - b. Approve form DV-400-INFO to provide guidance to parties about the forms and procedures for requesting the orders;
  - c. Revise form DV-130 to reflect orders amended after a court hearing;
  - d. Revise form FL-300 to serve as the means by which a party asks for the orders; and
  - e. Revise form FL-320 to serve as the means by which a party responds to a request to modify or terminate the orders.
2. Approve *Declaration Regarding Notice and Service of Request for Temporary Emergency (Ex Parte) Orders* (form FL-303) as a standard, optional form to help parties comply with the notice requirements of rules 5.151 through 5.169 of the California Rules of Court when requesting temporary emergency (ex parte) orders in their family law case.

3. Approve *Information Sheet: Responsive Declaration to Request for Order* (form FL-320-INFO) to address a clear need to provide information to a party filing a *Responsive Declaration to Request for Order* (form FL-320) in response to a *Request for Order* (form FL-300).
4. Amend rules 5.12, 5.62, 5.63, 5.92, and 5.151 to include technical and substantive changes in response to suggestions from judicial officers, court professionals, legal organizations, and attorneys.
5. Revise forms FL-305, FL-311, FL-312, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E) to make technical and substantive changes in response to suggestions from judicial officers, court professionals, legal organizations, and attorneys.