

Clerk stamps date here when form is filed.

Not approved by the Judicial Council

Draft 02/01/11 emh

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 address (skip this if you have a lawyer; if you want your home address to be private, give a different mailing address instead):

City: State: Zip:

Your telephone number (optional):

Your lawyer (if you have one: name, address, telephone number, email address and State Bar number):

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 temporary orders as indicated in items 5 and 6 (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 at

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

- If no end date is written, the restraining order ends three years after the date of the hearing. If no time is written, the restraining order ends at midnight on the end date. Note: Custody, visitation, child support, and spousal support orders do not end when the restraining order ends. Custody, visitation, and child support orders usually end when the child is 18. The court orders are on pages 2 and 3 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.

Your name: _____

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 court** on (date): _____
- at (time): _____ a.m. p.m. to review (specify issues): _____
- _____
- _____

The court has granted the orders checked below. Item ⑨ is an order.**6 Personal Conduct Orders**The person in ② must **not** do the following things to the protected people in ① and ③:

- a. Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, or block movements
- b. Contact (either directly or indirectly), telephone, send messages or mail or e-mail
- c. Take any action, directly or through others, to obtain the addresses or locations of any protected persons.
(If item c is not checked, the court has found good cause not to make this order.)
- Exceptions: As required for court-ordered visitation of children, brief and peaceful contact with the person in ①, and peaceful contact with children in ③ is allowed unless a criminal protective order says otherwise. Peaceful written contact through a lawyer or process server or another person in order to serve legal papers is allowed and does not violate this order.

7 Stay-Away Order

a. The person in ② must stay at least (specify): _____ yards away from:

- The person in ① School of person in ①
- The persons in ③ The children's school or child care
- Home of person in ① Other (specify): _____
- The job or workplace of person in ① _____
- Vehicle of person in ① _____

Exceptions: As required for court-ordered visitation of children, brief and peaceful contact with the person in ①, and peaceful contact with children in ③ is allowed unless a criminal protective order says otherwise. Peaceful written contact through a lawyer or process server or another person in order to serve legal papers is allowed and does not violate this order.

8 Move-Out Order

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

This is a Court Order.

Your name: _____

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.
- b. The person in ② must:
- Sell to 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. This must be done within 24 hours of being served with this order.
 - File a receipt with the court within 48 hours of receiving this order that proves guns have been turned in or sold. (*Form DV-800, Proof of Firearms Turned In or Sold, may be used for the receipt.*)
- c. The court has received information that the person in ② owns or possesses 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 Animals: Possession and Stay-Away

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 you need more space. Attach a sheet of paper and write, "DV-130, Debt Payments" as a title.

16 Property Restraint

The people in ① and 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.

Your name: _____

17 **Spousal Support**

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

18 **Attorney Fees and Costs**

The person in **(2)** must pay the following lawyer fees and costs:

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

19 **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 you need more space. Attach a sheet of paper and write, "DV-130, Payments for Costs and Services" as a title.

20 **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.

21 **Other Orders**

Other orders (*specify*): _____

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

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

23 **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. The person in **(2)** was not.
- (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. Someone—not the people in **(1)** or **(3)**—must personally "serve" a copy of this order to the person in **(2)**.

24 **Criminal Protective Order**

- a. Form CR-160, *Criminal Protective Order—Domestic Violence*, is in effect.

Case Number: _____ County: _____ Expiration Date: _____
 (*If more orders, list them on an extra sheet of paper and write, "DV-130, Other Criminal Protective Orders" as a title.*)

- b. No information has been provided to the judge about a criminal protective order.

This is a Court Order.

Your name: _____

25 **Attached pages are orders.**

- Number of pages attached to this six-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
 - Other (*specify*): _____

Date: _____

*Judge (or Judicial Officer)***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.**

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**

- 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.
- If you do not obey this order, you can go to jail or prison and/or pay a fine.
- Read Form DV-540-INFO, *Information for the Restrained Person*, to learn how to respond to this order.

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 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.

Instructions for Law Enforcement**Start Date and End Date of Orders**The orders *start* on the earlier of the following dates:

- The hearing date on page 1 or
- The date next to the judge’s signature on this page.

The orders *end* on the end date in item 4 on page 1. If no end date is listed, they end three years from the hearing date.**This is a Court Order.**

Your name: _____

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. (Penal 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. (Family Code, § 6383.)

Consider the restrained person “served” (noticed) 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 Orders 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).)

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.**

Enforcing the Restraining Order in California

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

Conflicting Orders

A protective order issued in a criminal case on Form CR-160 takes precedence in enforcement over any conflicting civil court order. (Pen. Code, § 136.2(e)(2).) Any nonconflicting terms of the civil restraining order remain in full force. An emergency protective order (Form EPO-001) that is in effect between the same parties and is more restrictive than other restraining orders takes precedence over all other restraining orders. (Pen. Code, § 136.2.)

(Clerk will fill out this part.)

—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.