

HOW TO OBTAIN A DOMESTIC VIOLENCE RESTRAINING ORDER

Prepared by Elizabeth D. Kemper, Esq.
UCLA Student Legal Services (February 2022)

1. Attached to these instructions are the documents you will need to file with the court to obtain a domestic violence restraining order. Complete Form DV-100, *Request For Domestic Violence Restraining Order* (the "Request"), Form DV-110, *Temporary Restraining Order* (the "TRO"), Form CLETS-001, *Confidential CLETS Information*, and Form DV-109, *Notice of Hearing* (the "Notice"), as well as any other forms that are applicable to your situation (e.g., a child custody order); you may need to complete Form DV-101, *Description of Abuse*, if there is more than one instance of abuse. You also will need to complete the Family Law Case Cover Sheet. You should type the documents, although you may print clearly in black ink. All of these forms may be obtained online at <http://www.courtinfo.ca.gov/forms>.
2. Make two copies of each document before you go to the courthouse; bring both the original documents and the copies. The clerk at the filing window will tell you whether to hole-punch or staple your documents.
3. Before going to the courthouse, you are supposed to give the person who has threatened or injured you (the "defendant") advance notice that you are going to ask the court to issue a Temporary Restraining Order (a "TRO") against him or her, unless you believe it would be dangerous to do so. You should attempt to tell the defendant, either by telephone or in person, at least 24 hours before you appear in court that you will be seeking a TRO, and the date, time, and place (i.e., the address of the courthouse and the Department number) that you will be seeking the order. If you are unable to reach the defendant, you may try to reach the defendant's attorney or someone else who would be able to give the defendant notice of your attempt to get a TRO. If you are unable to give the defendant this notice, you may ask someone else to do it for you. Whoever does give this notice to the defendant should complete the Declaration of Ex Parte Notice. You should fill in your name, address, and telephone number at the top; then put the courthouse address, your name, and the defendant's name. Print the name of the person who gave the notice on the line before paragraph 1. In paragraph 1, fill in the name of the person informed and the date and time that notice was given. Then check one of the methods of notification listed. Fill in the Department number, the location of the court where you will be seeking the order, and the date; the hearing will be in Department 8 if you are filing downtown and Department F if you are filing in Santa Monica. In paragraph 2, check the applicable boxes. At the bottom of the page, put the date on which the person who gave notice is signing it and have that person sign the declaration. There may be times when you believe it would be dangerous to give advance notification to the defendant. If that is the case, you should complete the Declaration Re: Notice of Ex Parte Request (No Notice Given).
4. Go to the courthouse to file the Request and the TRO. If you live in Santa Monica or in West Los Angeles (i.e., west of La Cienega Boulevard), you should file in the Superior Court in Santa Monica at 1725 Main Street, Santa Monica, CA 90401. If you live closer to downtown, you should file in the Superior Court downtown at 111 N. Hill Street, Los Angeles, CA 90012. If you are not sure which courthouse you should go to, use the court locator service on the Superior Court's website at <http://www.lacourt.org/filinglocator/ui/filingsearch.aspx>.
5. Take your completed forms to Department 8 in room 245 if you are filing downtown or to room 426 if you are filing in Santa Monica to appear before a judge. If you file downtown, you will have to appear

before the judge during the hours of 8:30 a.m. - 11:30 a.m. and 1:30 p.m. - 3:30 p.m.; in Santa Monica, you must appear at 8:30 a.m. if you have given notice to the defendant, although the judge sometimes will waive the notice requirement if the defendant has been violent and will hear these cases during the hours of 8:30 a.m. - 11:30 a.m. and 1:30 p.m. - 3:30 p.m. You should arrive at the courthouse in advance of these hours so you will have ample time to process your case. The judge will then review your Request and TRO. The judge may ask you a few questions concerning the violent behavior. If the judge determines that there is sufficient cause to grant the TRO, the judge will sign the TRO and Notice and a date will be set for a hearing in approximately two weeks.

6. After the judge signs the TRO and Notice, go to the Superior Court filing window (room 102 in Santa Monica and room 102 downtown) and give the clerk the following: the original and all of the copies of the Request, the TRO, and the Notice; and the original and all of the copies of any other forms you used. There is no filing fee. The clerk will stamp the original documents with the case number and will stamp the copies as "Filed." The clerk will keep the original documents and will return the copies to you. You also will need to complete and deliver to the sheriff Form CLETS-001, Confidential CLETS Information, along with a copy of the TRO; the sheriff will enter the information in a computer database. The sheriff's office is located in room 525 in the downtown courthouse and room 114 in the Santa Monica courthouse.

7. In order for the TRO to become effective, the defendant must be personally served with the Request, the TRO, the Notice, and a blank Form DV-120, Response to Request for Domestic Violence Restraining Order. The sheriff's office will serve the papers for free but often takes up to a week to complete service. If you need faster service because you want the restraining order to become effective immediately, it generally is better to ask a friend (who is over 18 years old and is not a party to the lawsuit) or to hire a professional process server to serve the TRO and Notice on the defendant. A professional process server will cost you at least \$40.00, but you may wish to hire such a person if the defendant is likely to become violent when he or she is served. If the defendant is a member of the UCLA community, the UCPD frequently is willing to help with service. If you do not wish to spend the money hiring a private process server or the UCPD is not able to help, you may ask a friend of yours simply to hand the papers to the defendant; that is all it takes to serve the defendant. Be sure to serve a copy that has the date, time, and place of the hearing noted in the box in paragraph 3 of the Notice. Paragraph 5 of the Notice specifies how many days before the hearing the defendant must be served.

8. Once the TRO and other documents have been served on the defendant, the person serving the defendant must complete Form DV-200, Proof of Personal Service. Complete paragraphs 1, 2, 4, 5, 6, and 7, and include the Court's name and address and the case number in the boxes on the right side of the form. In paragraph 4, check off the boxes by the documents that were served on the defendant (in most cases, you will mark boxes "a" and "b" at this stage). In paragraph 5, note the exact date, time, and place of service. In paragraph 6, state the name, address, and telephone number of the person who served the defendant. The person who served the defendant should then date and sign the Proof of Service and print his or her name to the left of the signature in paragraph 7. Make at least six copies of this document before you file the original with the court. File the original Proof of Personal Service with the court as soon as possible after service and have the copies stamped "Filed."

9. Once the TRO and Notice have been served on the defendant and the Proof of Personal Service has been completed, you should deliver a copy of all three of these documents to your local police department. For example, if you live in West Los Angeles and attend classes at UCLA, you would want to deliver a copy both to the West Los Angeles Police at 1663 Butler Avenue and a copy to the

University of California Police Department at 601 Westwood Plaza. It also is advisable to list the police department where you work.

10. The TRO becomes effective and enforceable only when it and the Notice are served on the defendant. Delivering a copy of it to the police makes it easier to enforce. Thus, if the defendant does anything prohibited in the TRO, you should call the police, who should respond immediately and arrest the defendant for violating a court order. It generally is a good idea to carry a copy of the TRO, the Notice, and the Proof of Personal Service form with you at all times so that if the defendant violates the TRO, you can show it to any police officer, even if the officer is not from a branch to which you already have delivered a copy of the TRO, the Notice, and Proof of Personal Service.

11. When the judge signed the TRO, a date was set for a hearing to determine whether the restraining order should be effective for longer than two weeks. Before going to the hearing, you should prepare Form DV-130, Restraining Order After Hearing (Order of Protection). You should complete only paragraphs 1, 2, and 3 with the same information that you used in the Request. Leave the remainder of the form blank until the hearing. The Restraining Order After Hearing is enforceable only if the judge checks orders in paragraphs 6 – 22 and signs it. The Order of Protection may have different orders than the TRO.

12. The TRO is effective only until the date of the hearing (which is specified in paragraph 4 of the TRO and paragraph 3 of the Notice). You must attend the hearing, and the defendant also has the right to attend the hearing. Either party may hire an attorney to provide representation at the hearing. Either party also may have a support person at the hearing. You should be prepared to present your case and whatever evidence you have (e.g., personal testimony of people who have witnessed the threats or violent behavior, any documents reflecting the threats or violent behavior, medical records if you had to seek treatment, or police reports) to convince the judge that you have been a victim of threats or violent behavior. If your witnesses will not be able to go to court with you and you want to use witness statements, you will need to file those statements at the same time that you file the Request and TRO. The defendant also will have an opportunity to rebut your allegations of threats or violent behavior. The judge probably will ask both of you questions. The judge will decide whether to grant your request for a restraining order and for how long the restraining order will remain in effect. The judge can decide to impose the restraining order for a period of up to five years.

13. Paragraph 24 of the Restraining Order After Hearing (the “Order”) indicates whether you will need to serve the defendant if the judge issues a restraining order against the defendant. No Proof of Service is necessary if the defendant attends the hearing where the judge issues the order, and the judge checks box 24.a. in the Order. You will need to arrange for the defendant to be served with the Order if the defendant does not appear at the hearing. If the Order has the same terms (except duration, of course) as the TRO, the defendant may be served by mailing a copy of the Order to the defendant by first-class mail at the most current address available; the judge will check box 24.b.(1), and you can use Form DV-250, Proof of Service by Mail. If the terms of the Order differ from the TRO, then the defendant must be served in the same way as he or she was served with the TRO (see paragraph 7); the judge will check box 24.b.(2). You should file copies of the Order and either a Proof of Personal Service or a Proof of Service by Mail (if required by paragraph 24.b. of the Order) with the appropriate police departments (see paragraphs 8 and 9). In addition, you will need to complete and deliver to the sheriff (in the courthouse) Form CLETS-001, Confidential CLETS Information, along with a copy of the Restraining Order After Hearing.

14. As long as the Restraining Order After Hearing is in effect, the defendant may not engage in any activity that is prohibited in the Order. If the defendant does, you should call the police and tell them the defendant is violating a restraining order. The police then will arrest the defendant for violating the Order. It generally is a good idea to carry a copy of the Restraining Order After Hearing and the Proof of Service form with you at all times so that if the defendant violates the Order, you can show it to any police officer, even if the officer is not from a branch to which you already have delivered a copy of the Restraining Order After Hearing and Proof of Service.

15. In addition to keeping a copy of the Restraining Order After Hearing and Proof of Service with you and delivering a copy to the police, you should provide a copy to anyone protected by the Order as well as to the people in charge or the security officers at the places the defendant is ordered not to go (e.g., your apartment building, work, school, daycare, etc.). You also should keep one copy in a safe place.

16. If you have questions, the court clerks often can provide you with information. If you file in Santa Monica, call Department F at (310) 255-1853; if you file downtown, call Department 8 at (213) 830-0830. If you qualify for service, you may call UCLA Student Legal Services at (310) 825-9894 or the following legal clinics:

For Assistance Completing Forms at the Courthouse:

ANTELOPE VALLEY COURTHOUSE:

NEIGHBORHOOD LEGAL SERVICES DOMESTIC ABUSE SELF-HELP CLINIC

42011 4th Street West, Third Floor, Room 3700, Lancaster, CA 93534

(800) 433-6251

Tuesday - Thursday: 8:30 a.m. – noon and 1:30 p.m. – 4:30 p.m.

Friday: 8:30 a.m. - noon

www.nls-la.org

Assistance with domestic violence restraining orders. Low income only. No fee.

DOWNTOWN COURTHOUSE:

DOMESTIC VIOLENCE PROJECT OF LA COUNTY BAR ASSOCIATION – BARRISTER SECTION

111 N. Hill Street, Dept. 8, Room 245, Second Floor, Los Angeles, CA 90012

(213) 624-3665

Monday - Thursday: 8:00 a.m. - noon, 1:00 p.m. - 3:30 p.m.

Friday: 8:00 a.m. – noon

<http://www.lacba.org/showpage.cfm?pageid=420>

Volunteer attorneys and law students provide legal assistance to abused victims and their children by preparing the legal documents required to obtain temporary, and ultimately permanent, restraining orders which can include orders for custody and child support. The Project also provides legal assistance to elderly individuals and to minor children seeking protection against sexual abuse by family members.

FAMILY LAW INFORMATION CENTER

Los Angeles Superior Court

111 N. Hill Street, Room 207, Second Floor, Los Angeles, CA 90012

(213) 893-9754

Office: Mon – Th.: 8:00 a.m. – noon, 1:00 p.m. – 4:00 p.m. and Fri: 8:00 a.m. – noon

<http://www.lasuperiorcourt.org/familylaw/ov-infocenter.htm>

The Family Law Information Center provides general family law information, referrals and assistance to self-represented parties. Parties are provided legal forms and procedural guidance in the areas of dissolution of marriage (divorces), legal separation, paternity cases and responses to domestic violence actions by a paralegal, under the supervision of an attorney. Within these areas assistance can be sought regarding child custody and visitation, child and spousal support and limited property issues. The staff may assist both sides of the same case.

INFO LINE OF LOS ANGELES

Los Angeles Superior Court

111 N. Hill Street, 2nd Floor, Room 227, Los Angeles, CA 90012

(800) 339-6993 in Los Angeles County

Mon/Wed: 8:00 a.m. – 12:00 noon, 1:00 p.m. – 4:30 p.m.

<http://www.infoline-la.org>

Info Line of Los Angeles provides information about and referrals for more than 4,500 services in Los Angeles County. An advisor assists in identifying appropriate programs and community resources for individuals, children, and families involved in the court system. All services are confidential, and may include referrals to legal support services, public benefits, substance abuse programs, counseling, job training programs, and many other needed services.

LONG BEACH COURTHOUSE:

DOMESTIC VIOLENCE RESTRAINING ORDER PROJECT

(Project of Legal Aid Foundation of Long Beach)

415 W. Ocean Blvd., Room 102, Long Beach, CA 90802

(562) 435-3501

Walk-ins: Mon–Thur: 12:30 p.m. - 3:30 p.m.

<http://www.lafla.org>

Domestic violence and civil harassment TRO's in pro per. No fee.

POMONA COURTHOUSE:

NEIGHBORHOOD LEGAL SERVICES DOMESTIC ABUSE SELF-HELP CLINIC

400 Civic Center Plaza, 7th Floor, Room 702, Pomona, CA 91766

(800) 433-6251

www.nls-la.org

Monday – Thursday: 8:30 a.m. – noon and 1:30 p.m. – 4:30 p.m.

Friday: 8:30 a.m. - noon

Assistance with domestic violence restraining orders. Low income only. No fee.

SAN FERNANDO COURTHOUSE:

NEIGHBORHOOD LEGAL SERVICES DOMESTIC ABUSE SELF-HELP CLINIC

900 Third Street, 1st floor, Room 1026, San Fernando, CA 91340

(800) 433-6251

www.nls-la.org

Monday – Thursday: 8:30 a.m. – noon and 1:30 p.m. – 4:30 p.m.

Friday: 8:30 a.m. - noon

Assistance with domestic violence restraining orders. Low income only. No fee.

SANTA MONICA COURTHOUSE:

LEGAL AID FOUNDATION OF LOS ANGELES/DOMESTIC VIOLENCE CLINIC

1725 Main Street, Room 121, Santa Monica, CA 90401

(310) 260-3524

<http://www.lafla.org>

Walk-ins: Mon–Fri: 8:30 a.m. - 11:00 a.m.

Domestic violence restraining orders. No fee.

TORRANCE COURTHOUSE:

TORRANCE SELF-HELP LEGAL ACCESS CENTER

Torrance Courthouse

825 Maple Avenue, Room 160

Torrance, Ca 90503

Monday-Thursday: 8:30 a.m.-12:30, 1:30 p.m. – 4:00 p.m.

Fridays: 8:30 a.m. – noon

<http://www.lacourt.org/selfhelp/selfhelp.aspx>

Serves low-income people in the communities of the Southwest Judicial District who seek help with domestic violence, child abduction, paternity, custody and visitation, spousal and child support, divorce, and domestic violence-related immigration issues.

VAN NUYS COURTHOUSE:

NEIGHBORHOOD LEGAL SERVICES DOMESTIC ABUSE SELF-HELP CLINIC

6230 Sylmar Avenue, Room 350, Van Nuys, CA 91401

(800) 433-6251

www.nls-la.org

Monday – Thursday: 8:30 a.m. – noon and 1:30 p.m. – 4:30 p.m.

Friday: 8:30 a.m. - noon

Assistance with domestic violence restraining orders. Low income only. No fee.

For General Assistance:

ASIAN AMERICANS ADVANCING JUSTICE

1145 Wilshire Blvd., 2nd Floor, Los Angeles, CA 90017

Telephone Hotlines:

(888) 349-9695-Main Number
(800) 520-2356 Chinese Translators
(800) 867-3126 Khmer Translators
(800) 867-3640 Korean Translators
(800) 267-7395 Vietnamese Translators

<http://advancingjustice-la.org/>

Mon-Fri: 9:00 a.m. – 5:30 p.m.

Provides assistance to low income people only; multiple language counseling; mediation available to all on sliding fee scale. Assistance with immigration, family law, and domestic violence.

EQUAL RIGHTS ADVOCATES

1170 Market Street, Suite 700 San Francisco, CA 92102

(415) 621-0672 (Office)

(800) 839-4372 (Hotline)

Mon.-Fri. 9:00 a.m. – 5:00 p.m.

Hotline counselors are available Mon & Tue: 2:00 p.m. – 4:00 p.m.; Wed: 5:00 p.m. – 7:00 p.m.; Fri: 10:00 a.m. – 12:00 noon.

<http://www.equalrights.org>

Provides assistance and referrals to women who have been the victim of sex discrimination and harassment only.

FAMILY LAW PROJECT (Harriet Buhai Center for Family Law)

3250 Wilshire Blvd, Ste. 710, Los Angeles, CA 90010

(213) 388-7515 Appointments

(213) 388-7505 Administrative

(213) 388-7503 Fax

Monday: 9:00 a.m. – 4:30 p.m.

Tuesday-Thursday: 1:30 p.m.- 4:30 p.m.

<http://www.hbcfl.org>

Counseling but no representation. Appointment required. Low income. \$10.00 initial donation; \$5.00 donation for each subsequent visit. Money orders only. Domestic Violence, restraining orders, divorce, alimony, paternity, custody, visitation, child support.

FAMILY VIOLENCE PROJECT (Jewish Family Service of Los Angeles)

13425 Ventura Blvd., #200, Sherman Oaks, CA 91423

(818) 505-0900 (24-hour crisis line)

(310) 858-9344 (Emergency and transitional shelters)

(818) 789-1293 (Counseling center)

Mon-Fri: 8:30 a.m. - 5:00p.m.

<http://www.jfsla.org/index.php?/programs/details/17/>

Provides free counseling, emergency shelter, transitional housing, support groups, and court accompaniment for victims of domestic violence.

JENESSE CENTER

P.O. Box 8476, Los Angeles, CA 90008

(323) 299-9496 (24-hour crisis hotline)

(800) 479-7328 (24-hour crisis hotline)

Mon-Fri: 8:00a.m. - 5:00 p.m.

<http://www.jenessecenter.org>

Legal assistance, emergency shelter, transitional housing, counseling, and vocational educational program.

LEGAL AID FOUNDATION OF LOS ANGELES

Santa Monica Office of the Legal Aid Foundation of Los Angeles

1640 5th Street, Suite 124, Santa Monica, CA 90401

(310) 899-6200

Tuesday - Thursday: 8:00 a.m. – 11:00 a.m.

<http://www.lafla.org>

Provides legal advice on all areas of family law to low income persons. Walk-in appointments only.

LEGAL AID SOCIETY OF ORANGE COUNTY

902 N. Main Street, Santa Ana, CA 92701

(800) 834-5001 Orange County and Southeast Los Angeles

(714) 571-5200 All other areas

Monday-Thursday: 9:00 a.m. – 6:00 p.m.; Friday: 9:00 a.m. – 4:00 p.m.

<http://www.legal-aid.com>

Neighborhood offices also in: Anaheim: (714) 533-7490
Compton: (310) 638-6194
Norwalk: (562) 864-9935

Call for eligibility & appt. Contested custody & visitation; adoption; divorce clinic; some branch offices do guardianship and domestic violence. Most domestic violence referred to Orange Co. courthouse domestic violence clinic (in Santa Ana). Serves Orange County courts. Indigent clients only. No fee.

LEVITT AND QUINN FAMILY LAW CENTER

1557 Beverly Blvd., Los Angeles, CA 90026-5704

(213) 482-1800

Mon-Fri: 8:30 a.m. – 12:00 p.m. and 1:00 p.m. – 5:30 p.m.

<http://firms.findlaw.com/LevittQuinn>

Counseling for low income re: all family law such as domestic violence, uncontested and contested divorce action, adoption, custody and guardianship of person [minor], paternity. Some representation for a separate fee; sliding fee scale for counseling sessions. Initial consultation \$60; all further services are more than \$60. New cases accepted only on Thursdays at 12 p.m. and Friday at 8:00 a.m. They accept the first eight applicants each day.

LOS ANGELES COUNTY DOMESTIC VIOLENCE HOTLINE

1-800-978-3600

<http://da.co.la.ca.us/domv.htm>

Counseling by telephone, crisis shelter (for up to 30 days), legal referrals, counseling; English & Spanish.

PEACE OVER VIOLENCE

<http://peaceoverviolence.org>

24-Hour Hotlines

- 310.392.8381
- 213.626.3393
- 626.793.3385
- 877.633.0044 (stalking hotline)

Metro Headquarters: 605 West Olympic Boulevard, Suite 400 Los Angeles, CA 90015

Office: 213 955-9090; Fax: 213 955-9093; TDD: 213 955-9095; Video Phone: 213.955.9249; Self-Defense: 213 955-9098

West San Gabriel Valley Center, 892 N Fair Oaks Ave., Suite D, Pasadena, CA 91103-3046

Office: 626.584.6191; Fax: 626.584.6193; TDD: 626.584.6160

Services include referral and advocacy services, individual and group counseling, educational programs ranging from self-defense classes to violence prevention programs. Case managers provide assistance and referrals for basic needs such as shelter, food, clothing, and transportation.

PEPPERDINE LEGAL AID CLINIC

Union Rescue Mission

525 S. San Pedro St., Los Angeles, CA 90013

(213) 347-6300, x 4413

Mon-Fri: 8:00 a.m. – 5:00 p.m.

Call for an appointment. Free for qualifying individuals such as people on rehabilitation programs, aid, unemployment or homeless. Services include most types of family law (excluding divorce).

SOJOURN

Mon.-Fri.: 9:00 a.m. – 5:00 p.m.

(310) 264-6644 (24-hour hotline)

<https://www.opcc.net/sojourn?nd=sojourn>

Legal consultations and 4-6 week crisis shelter are free to victims of domestic violence .

VALLEY OASIS DOMESTIC VIOLENCE COUNCIL

P.O. Box 2980, Lancaster, CA 93539

(800) 282-4808 or (661) 945-6736 (24-hour shelter line)

(661) 723-7772 (Outreach)

(661) 949-1916 (Administration)

Mon-Fri: 8:00 a.m. - 5:00 p.m.

<http://www.lahsa.org/contracts/emerhousing/2004ESG03.htm>

Crisis shelter for victims and their families (will accept women, men, LGBT, teens), legal assistance, counseling, outreach. Mobile Assault Trauma Team accompanies sheriffs when there is a domestic violence call.

WORKING PEOPLES LAW CENTER

1475 Echo Park Avenue, Los Angeles, CA 90026

(213) 250-5500

Mon-Fri: 9:00 a.m. – 5:00 p.m.

Call for appointment. PI (plaintiff only). Family law actions for child & spousal support, visitation rights; domestic violence TRO's (outside of legal action). No adoptions. Free advice.

YWCA WING PROGRAM

P.O. Box 1464, West Covina, CA 91793

626-915-5191 (Outreach Office)

(626) 967-0658 (24 hr. Hotline)

<http://www.ywcawings.org>

Assists battered women and their children, provides temporary shelter for up to 45 days, and has support groups in both English and Spanish.