

6. Enter the Order In State Registry

The order must be entered into a state database used by law enforcement to verify and enforce an active Restraining Order.

In some counties, the court enters the Order into the state computer. Ask the clerk if your court will do this. In other counties, the petitioner must take a copy of the order to a law-enforcement agency that enters the order into the computer.

WHAT CAN GO WRONG:

Despite a state law requiring entry within one business day, many Restraining Orders are not entered into the state database because of clerical errors and confusing and outdated procedures. Without a record of the order, police may not be able to arrest violators.

7. "Serve" The Restrained Person

A process server or law enforcement must serve the restrained person a copy of the Order before the hearing. After the Order is served, proof of service must be filed with the court and law enforcement.

WHAT CAN GO WRONG: An Order cannot be enforced until it is served. But almost one-third of civil Restraining Orders issued in the state are not served, rendering them invalid.

8. Make It Permanent

Go to your court hearing. The judge will decide whether to make the Restraining Order Permanent.

Domestic Violence Hotline- 1-800-700-7233

Teen Violence Hotline- 1-866-331-9474

Woman's Shelter Hotline- 1-800-580-4878

Filing A Restraining Order For Protection



Kenn I. Hicks, LCSW

Licensed Clinical Social Worker

Certified Domestic Violence Counselor

National Lecturer/Trainer & Author

(818) 788-8667 / mrh384

There are four kinds of domestic violence restraining orders, which work by prohibiting or limiting contact between an accuser and the person accused of abuse. **1. Criminal Protective Order:** Issued by a criminal-court judge when domestic-violence cases are prosecuted or as a condition of probation. **2. Emergency Protective Order:** Issued when a police officer, responding to a domestic-violence call, contacts a judge because there is an "immediate and present danger" of domestic violence. It is good for five court days or seven calendar days. **3. Temporary Restraining Order:** Issued by a Family Court Judge when a petitioner demonstrates "reasonable proof" of domestic violence. It lasts until a full court hearing, usually three weeks. **4. Order After Hearing:** Issued by a Family Court Judge after a full court hearing. It can last up to three years, but may be extended for another three years, or permanently.

1. Getting Started

Get the request for a Domestic Violence Restraining Order at the court in the county where your abuser lives or where the abuse happened.

2. Fill Out The Forms

Request for Order, (Form DV-100)

Temporary Restraining Order, (Form DV-110)

Other forms are needed if you have children with the person from whom you want protection, or if you are the spouse or domestic partner of the person from whom you want protection. Some counties also have additional special forms or rules.

3. Take Forms To The Court Clerk

The clerk will give your forms to the judge, who will decide whether to make the Order. Sometimes the judge may want to talk to you. If so, the clerk will tell you.

WHAT CAN GO WRONG:

People seeking a Restraining Order must wade through complicated paperwork on their own. It is easy for them to miss an important step or go to the wrong place.

In some counties, the accuser must notify the person they are seeking protection from and tell them they are going to ask for a Restraining Order. This can set off a potentially violent spouse, partner, etc., and put the accuser who has no guarantee of getting a Restraining Order in **greater danger**.

4. Check Back

Find out if the judge issued the Temporary Restraining Order. Ask the clerk when to come back to see if the judge signed the Order. The judge must decide by the next business day.

A Temporary Restraining Order lasts from the time you file for your Restraining Order until the full court hearing, usually about three weeks later. The clerk will tell you when to come back for the hearing.

5. "File" The Judge's Order

If the judge signs the Order, the court clerk will file it – making the order an official part of the court's record of the case. The clerk will keep the original for the court and give you five "filed-stamped" copies.

What To Do With Your Copies:

1. Keep one copy with you always.
2. Keep another copy in a safe place.
3. Give a copy to anyone else protected by the order.
4. Leave copies at the places where the restrained person is ordered not to go (your school, work, etc.).
5. Give a copy to the security officers in your housing complex and office building.

WHAT CAN GO WRONG :

A state law prohibits anyone under a Restraining Order from owning or buying guns. But no one enforces that law or makes sure guns are surrendered as required. As a result, weapons are left in the hands of people who are potentially violent.

Free Restraining Order Clinics: Los Angeles – 213-624-3665
Van Nuys & Van San Fernando – 818-896-5211 ext. 106