
Los Angeles Center for Law and Justice's

ADVOCATE Pro Bono Program Manual

Representing Domestic Violence Survivors in Court



**Los Angeles
Center for
Law and Justice**

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SECTION I:

Introduction to Domestic Violence



What is Domestic Violence?

What is Domestic Violence?

Domestic violence is the willful intimidation, physical assault, battery, sexual assault, and/or other abusive behavior as part of a systematic pattern of power and control perpetrated by one intimate partner against another. It includes physical violence, sexual violence, psychological violence, and emotional abuse. The frequency and severity of domestic violence can vary dramatically; however, the one constant component of domestic violence is one partner's consistent efforts to maintain power and control over the other.

Domestic violence is an epidemic affecting individuals in every community, regardless of age, economic status, sexual orientation, gender, race, religion, or nationality. It is often accompanied by emotionally abusive and controlling behavior that is only a fraction of a systematic pattern of dominance and control. Domestic violence can result in physical injury, psychological trauma, and in severe cases, even death. The devastating physical, emotional, and psychological consequences of domestic violence can cross generations and last a lifetime.

It is not always easy to determine in the early stages of a relationship if one person will become abusive. Domestic violence intensifies over time. Abusers may often seem wonderful and perfect initially, but gradually become more aggressive and controlling as the relationship continues. Abuse may begin with behaviors that may easily be dismissed or downplayed such as name-calling, threats, possessiveness, or distrust. Abusers may apologize profusely for their actions or try to convince the person they are abusing that they do these things out of love or care. However, violence and control always intensifies over time with an abuser, despite the apologies. What may start out as something that was first believed to be harmless (e.g., wanting the victim to spend all their time only with them because they love them so much) escalates into extreme control and abuse (e.g., threatening to kill or hurt the victim or others if they speak to family, friends, etc.). Some examples of abusive tendencies include but are not limited to:¹

- Telling the victim that they can never do anything right
- Showing jealousy of the victim's family and friends and time spent away
- Accusing the victim of cheating

- Keeping or discouraging the victim from seeing friends or family members
- Embarrassing or shaming the victim with put-downs
- Controlling every penny spent in the household
- Taking the victim's money or refusing to give them money for expenses
- Looking at or acting in ways that scare the person they are abusing
- Controlling who the victim sees, where they go, or what they do
- Dictating how the victim dresses, wears their hair, etc.
- Stalking the victim or monitoring their victim's every move (in person or also via the internet and/or other devices such as GPS tracking or the victim's phone)
- Preventing the victim from making their own decisions
- Telling the victim that they are a bad parent or threatening to hurt, kill, or take away their children
- Threatening to hurt or kill the victim's friends, loved ones, or pets
- Intimidating the victim with guns, knives, or other weapons
- Pressuring the victim to have sex when they don't want to or to do things sexually they are not comfortable with
- Forcing sex with others
- Refusing to use protection when having sex or sabotaging birth control
- Pressuring or forcing the victim to use drugs or alcohol
- Preventing the victim from working or attending school, harassing the victim at either, keeping their victim up all night so they perform badly at their job or in school
- Destroying the victim's property

It is important to note that domestic violence does not always manifest as physical abuse. Emotional and psychological abuse can often be just as extreme as physical violence. Lack of physical violence does not mean the abuser is any less dangerous to the victim, nor does it mean the victim is any less trapped by the abuse.

Additionally, domestic violence does not always end when the victim escapes the abuser, tries to terminate the relationship, and/or seeks help. Often, it intensifies because the abuser feels a loss of control over the victim. Abusers frequently continue to stalk, harass, threaten, and try to control the victim after the victim escapes. In fact, the victim is often in the most danger directly following the escape of the relationship or when they seek help: 1/5 of homicide victims with restraining orders are murdered within two days of obtaining the order; 1/3 are murdered within the first month.2

Unfair blame is frequently put upon the victim of abuse because of assumptions that victims choose to stay in abusive relationships (see common myths about victims of domestic violence [here](#)). The truth is, bringing an end to abuse is not a matter of the victim choosing to leave; it is a matter of the victim being able to safely *escape* their abuser, the abuser choosing to stop the abuse, or others (e.g., law enforcement, courts) holding the abuser accountable for the abuse they inflict.

Dynamics of Abuse

Anyone can be a victim of domestic violence. There is NO “typical victim.” Victims of domestic violence come from all walks of life, varying age groups, all backgrounds, all communities, all education levels, all economic levels, all cultures, all ethnicities, all religions, all abilities, and all lifestyles.

Victims of domestic violence do not bring violence upon themselves, they do not always lack self-confidence, nor are they just as abusive as the abuser. Violence in relationships occurs when one person feels entitled to power and control over their partner and chooses to use abuse to gain and maintain that control. In relationships where domestic violence exists, violence is not equal, even if the victim fights back or instigates violence in effort diffuse a situation. There is always one person who is the primary, constant source of power, control, and abuse in the relationship.

Every relationship differs, but what is most common within all abusive relationships is the varying tactics used by abusers to gain and maintain power and control over the victim. Nearly 3 in 10 women and 1 in 10 men in the United States have experienced rape, physical violence, and/or stalking by an intimate partner [or former partner] and reported at least one impact related to experiencing these or other forms of violent behavior in the relationship (i.e., feeling fearful, concern for safety, post-traumatic stress disorder (PTSD), need for health care, injury, crisis support, need for housing services, need for victim advocacy services, need for legal services, missed work or school).³

Physical and sexual assaults, or threats to commit them, are the most apparent forms of domestic violence and are usually the actions that make others aware of the problem. However, regular use of other abusive behaviors by the abuser, when reinforced by one or more acts of physical violence, make up a larger scope of abuse. Although physical assaults may occur only occasionally, they instill fear of future violent attacks and allow the abuser to control the victim’s life and circumstances.

The illustrations found [here](#) (power and control wheel) and [here](#) (post-separation power and control wheel) are particularly helpful tools in understanding the overall pattern of abusive and violent behaviors used by abusers to establish and maintain control over their partners both within and following a relationship. Very often, one or more violent incidents are accompanied by an array of these other types of abuse. They are less easily identified, yet firmly establish a pattern of intimidation and control in the relationship.

As the wheels illustrate, abuse is cyclical. There are periods of time where things may be calmer, but those times are followed by a buildup of tension and abuse, which usually results in the abuser peaking with intensified abuse. The cycle then often starts to repeat, commonly becoming more and more intense as time goes on. Each relationship is different and not every relationship follows the exact pattern. Some abusers may cycle rapidly, others over longer stretches of time. Regardless, abusers purposefully use numerous tactics of abuse to instill fear in the victim and maintain control over them.

Domestic violence affects all aspects of a victim's life. When abuse victims are able to safely escape and remain free from their abuser, they often survive with long-lasting and sometimes permanent effects to their mental and physical health; relationships with friends, family, and children; their career; and their economic well-being.

Victims of domestic violence experience an array of emotions and feelings from the abuse inflicted upon them by their abuser, both within and following the relationship. They may also resort to extremes in effort to cope with the abuse. Victims of domestic violence may:

- Want the abuse to end, but not the relationship
- Feel isolated
- Feel depressed
- Feel helpless
- Be unaware of what services are available to help them
- Be embarrassed of their situation
- Fear judgment or stigmatization if they reveal the abuse
- Deny or minimize the abuse or make excuses for the abuser
- Still love their abuser
- Withdraw emotionally
- Distance themselves from family or friends
- Be impulsive or aggressive
- Feel financially dependent on their abuser

- Feel guilt related to the relationship
- Feel shame
- Have anxiety
- Have suicidal thoughts
- Abuse alcohol or drugs
- Be hopeful that their abuser will change and/or stop the abuse
- Have religious, cultural, or other beliefs that reinforce staying in the relationship
- Have no support from friends or family
- Fear cultural, community, or societal backlash that may hinder escape or support
- Feel like they have nowhere to go or no ability to get away
- Fear they will not be able to support themselves after they escape the abuser
- Have children in common with their abuser and fear for their safety if the victim leaves
- Have pets or other animals they don't want to leave
- Be distrustful of local law enforcement, courts, or other systems if the abuse is revealed
- Have had unsupportive experiences with friends, family, employers, law enforcement, courts, child protective services, etc. and either believe they won't get help if they leave or fear retribution if they do (e.g., they fear they will lose custody of their children to the abuser)

These are among the many reasons victims of domestic violence either choose to stay in abusive relationship or feel they are unable to leave. For more examples, see “Understanding Why Victims Stay ” below.

Characteristics of an Abuser

Anyone can be an abuser. They come from all groups, all cultures, all religions, all economic levels, and all backgrounds. They can be your neighbor, your pastor, your friend, your child's teacher, a relative, a coworker—anyone. It is important to note that the majority of abusers are only violent with their current or past intimate partners. One study found that 90% of abusers do not have criminal records and that abusers are generally law-abiding outside the home.⁴

There is no one, typical, detectable personality of an abuser. However, they do often display common characteristics.

- An abuser often denies the existence or minimizes the seriousness of the violence and its effect on the victim and other family members.
- An abuser objectifies the victim and often sees them as their property or sexual objects.

- An abuser has low self-esteem and feels powerless and ineffective in the world. He or she may appear successful, but internally, they feel inadequate.
- An abuser externalizes the causes of their behavior. They blame their violence on circumstances such as stress, their partner's behavior, a "bad day," on alcohol, drugs, or other factors.
- An abuser may be pleasant and charming between periods of violence and is often seen as a "nice person" to others outside the relationship.

Red flags and warning signs of an abuser include but are not limited to:

- Extreme jealousy
- Possessiveness
- Unpredictability
- A bad temper
- Cruelty to animals
- Verbal abuse
- Extremely controlling behavior
- Antiquated beliefs about roles of women and men in relationships
- Forced sex or disregard of their partner's unwillingness to have sex
- Sabotage of birth control methods or refusal to honor agreed upon methods
- Blaming the victim for anything bad that happens
- Sabotage or obstruction of the victim's ability to work or attend school
- Their control of all finances
- Abuse of other family members, children, or pets
- Accusations of the victim flirting with others or having an affair
- Control of what the victim wears and how they act
- Demeaning the victim either privately or publicly
- Embarrassment or humiliation of the victim in front of others
- Harassment of the victim at work

Understanding Why Victims Stay

When it is a viable option, it is best for victims to do what they can to escape their abusers. However, this is not the case in all situations. Abusers repeatedly go to extremes to prevent the victim from leaving. In fact, leaving an abuser is the most dangerous time for a victim of domestic violence. One study found in

interviews with men who have killed their wives that either threats of separation by their partner or actual separations were most often the precipitating events that lead to the murder.⁵

A victim's reasons for staying with their abusers are extremely complex and, in most cases, are based on the reality that their abuser will follow through with the threats they have used to keep them trapped: the abuser will hurt or kill them, they will hurt or kill the kids, they will win custody of the children, they will harm or kill pets or others, they will ruin their victim financially—the list goes on. The victim in violent relationships knows their abuser best and fully knows the extent to which they will go to make sure they have and can maintain control over the victim. The victim literally may not be able to safely escape or protect those they love. A recent study of intimate partner homicides found that 20% of homicide victims were not the domestic violence victims themselves, but family members, friends, neighbors, persons who intervened, law enforcement responders, or bystanders.⁶

Additional barriers to escaping a violent relationship include but are not limited to:

- The fear that the abuser's actions will become more violent, and may become lethal if the victim attempts to leave
- Unsupportive friends and family
- Knowledge of the difficulties of single parenting and reduced financial circumstances
- The victim feeling that the relationship is a mix of good times, love, and hope along with the manipulation, intimidation and fear
- The victim's lack of knowledge of or access to safety and support
- Fear of losing custody of any children if they leave or divorce their abuser or fear that the abuser will hurt, or even kill, their children
- Lack of the means to support themselves and/or their children financially or lack of access to cash, bank accounts, or assets
- Lack of having somewhere to go (i.e., no friends or family to help, no money for hotel, shelter programs are full or limited by length of stay)
- Fear that homelessness may be their only option if they leave
- Religious or cultural beliefs and practices may not support divorce or may dictate outdated gender roles and keep the victim trapped in the relationship
- Belief that two parent households are better for children, despite abuse

Societal Barriers to Escaping a Violent Relationship

In addition to individual obstacles victims face when escaping violent relationships, society in general presents barriers. These include:

- A victim's fear of being charged with desertion, losing custody of children, or joint assets.
- Anxiety about a decline in living standards for themselves and their children.
- Reinforcement of clergy and secular counselors of "saving" a couple's relationship at all costs, rather than the goal of stopping the violence.
- Lack of support to victims by police officers and law enforcement who may treat violence as a "domestic dispute," instead of a crime where one person is physically attacking another person. Often, victims of abuse are arrested and charged by law enforcement even if they are only defending themselves against the batterer.
- Dissuasion by police of the victim filing charges. Some dismiss or downplay the abuse, side with the abuser, or do not take the victim's account of the abuse seriously.
- Reluctance by prosecutors to prosecute cases. Some may convince the abuser to plead to a lesser charge, thus further endangering victims. Additionally, judges rarely impose the maximum sentence upon convicted abusers. Probation or a fine is much more common.
- Despite the issuing of a restraining order, there is little to prevent a released abuser from returning and repeating abuse.
- Despite greater public awareness and the increased availability of housing for victims fleeing violent partners, there are not enough shelters to keep victims safe.
- Some religious and cultural practices that stress that divorce is forbidden.
- The socialization of some made to believe they are responsible for making their relationship work. Failure to maintain the relationship equals failure as a person.
- Isolation from friends and families, either by the jealous and possessive abuser, or because they feel "ashamed" of the abuse and try to hide signs of it from the outside world. The isolation contributes to a sense that there is nowhere to turn.
- The rationalization of the victim that their abuser's behavior is caused by stress, alcohol, problems at work, unemployment, or other factors.
- Societal factors that teach women to believe their identities and feelings of self-worth are contingent upon getting and keeping a man.
- Inconsistency of abuse. During non-violent phases, the abuser may fulfill the victim's dream of romantic love. The victim may also rationalize that the abuser is basically good until something bad happens and they have to "let off steam."

Signs of an Abusive Partner

The following signs often occur before manifestation of full abuse and may serve as clues to one person in a relationship becoming abusive of the other. Think about the following questions and apply them to your partner. If you can identify with one or more of these scenarios or answer “yes” to any of the questions below, you may be with an abusive partner.

1. Did your partner grow up in a violent family? People who grow up in families where they have been abused as children, or where one parent beats the other, have grown up learning that violence is normal behavior.
2. Does your partner tend to use force or violence to "solve" their problems?
3. Does your partner have a quick temper? Do they over-react to little problems and frustration? Are they cruel to animals? Do they punch walls or throw things when they are upset? Any of these behaviors may be a sign of a person who will work out bad feelings with violence.
4. Do they abuse alcohol or other drugs? Substance abuse does not cause domestic violence, but it can make it worse. There is a strong link between violence and problems with drugs and alcohol. Be alert to his possible drinking/drug problems, particularly if your partner refuses to admit that they have a problem, or refuses to get help. Do not think that you can change them.
5. Do they have strong traditional ideas about “roles” in relationships? For example, do they think all women should stay at home, take care of their husbands, and follow their wishes and orders?
6. Are they jealous of your other relationships—anyone you may know? Do they keep tabs on you? Do they want to know where you are at all times? Do they want you with them all of the time?
7. Do they have access to guns knives or other lethal weapons? Do they talk of using them against people, or threaten to use them to get even?
8. Do they expect you to follow their orders or advice? Do they become angry if you do not fulfill their wishes or if you cannot anticipate what they want?
9. Do they go through extreme highs and lows almost as though they are two different people? Are they extremely kind one time, and extremely cruel another?
10. When your partner gets angry, do you fear them? Do you find that not making them angry has become a major part of your life? Do you do what they want you to do, rather than what you want to do?
11. Do they treat you roughly? Do they physically force you to do what you do not want to do?
12. Do they threaten or abuse your pets? There is a strong link between the abuse of animals and perpetrators of domestic violence. In a recent study of victims of domestic violence, 71% reported that

their partners killed, harmed, or threatened animals as a means of demonstrating their authority over the victim.

Threats and physical abuse are prevalent in relationship violence, often occurring in an escalating cycle.

Do You Think You Are Being Abused ?

Look over the following questions. Think about how you are being treated and how you treat your partner. Remember, when one person scares, hurts, or continually puts down the other person, it is abuse.

Does your partner...

- Embarrass or make fun of you in front of your friends or family? Put down your accomplishments or goals?
- Make you feel like you are unable to make decisions? Use intimidation or threats to gain compliance?
- Tell you that you are nothing without them?
- Treat you roughly-grab, push, pinch, shove or hit you? Threaten or abuse your pets?
- Call you several times a night or show up to make sure you are where you said you would be?
- Use drugs or alcohol as an excuse for saying hurtful things or abusing you?
- Blame you for how they feel or act?

- Pressure you sexually for things you aren't ready for?
- Make you feel like there "is no way out" of the relationship?
- Prevent you from doing things you want-like spending time with your friends or family?
- Try to keep you from leaving after a fight, or leave you somewhere after a fight to "teach you a lesson?"

Do You...

- Sometimes feel scared of how your partner will act?
- Constantly make excuses to other people for your partner's behavior?
- Believe that you can help your partner change if only you changed something about yourself?
- Try not to do anything that would cause conflict or make your partner angry?
- Feel like no matter what you do, your partner is never happy with you?
- Always do what your partner wants you to do instead of what you want?
- Stay with your partner because you are afraid of what your partner would do if you broke up?

If any of these situations are happening in your relationship, talk to someone you trust or call the National Domestic Violence Hotline (available 24/7/365): 1-800-799-7233 (SAFE).

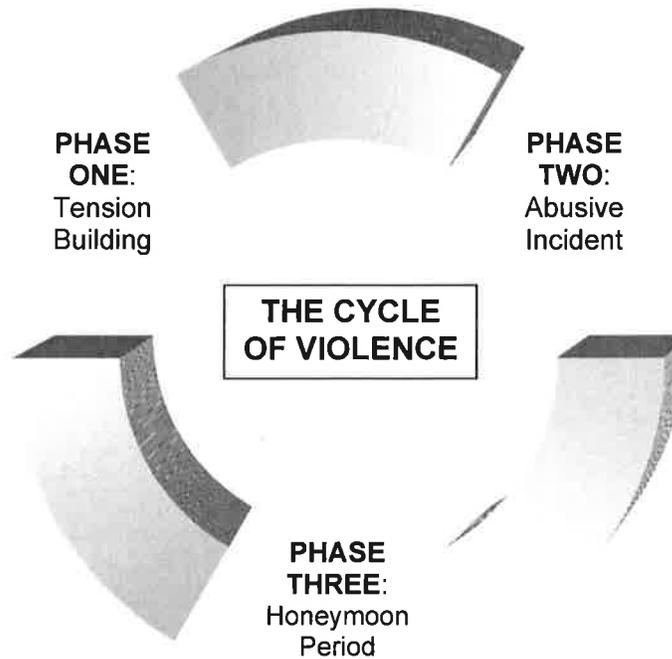
Without help, the abuse will continue.



DOMESTIC ABUSE INTERVENTION PROJECT

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218-722-2781
www.duluth-model.org

Domestic Violence Resources:
The Cycle of Violence



Phase One: Tension Building	Phase Two: Abusive Incident	Phase Three: Honeymoon Period
<ul style="list-style-type: none"> • Batterer experiences increased tension • Victim minimizes problems • Batterer increases threats • Victim withdraws • Batterer controls more • Tension becoming intolerable • Victim feels like they are walking on eggshells • Poor communication 	<ul style="list-style-type: none"> • Batterer unpredictable; believes he is losing control • Victim is helpless; feels trapped • Batterer highly abusive, incident occurs • Incidence of violence or threat occurs • Victim traumatized • Batterer blames victim 	<ul style="list-style-type: none"> • Batterer is loving, apologetic and attentive • Victim has mixed feelings • Batterer is manipulative • Victim feels guilty and responsible • Batterer promises change • Victim considers reconciliation • Victim often recants/minimizes abuse

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PREPARING FOR COURT PROCEEDINGS WITH SURVIVORS OF DOMESTIC VIOLENCE

Tips for Civil Lawyers and Legal Advocates

Legal proceedings are often stressful for participants, whether or not they are survivors of trauma. Many survivors of domestic violence find the proceedings challenging in ways specific to the trauma they have experienced—ways that others may not be able to anticipate. Your ability to recognize and adjust to the challenges survivors experience will affect their ability to participate in and contribute to successful outcomes in their cases.

Interpersonal violence is usually traumatic to the survivor, especially when the perpetrator is someone who was loved and trusted. Although the experience of violence is subjective and varies from individual to individual, we know that the greater and more prolonged the trauma, the more likely a survivor is to experience some after-effects. Cases of domestic violence involve an ongoing pattern of coercion, intimidation, and emotional abuse, reinforced by the use and threat of physical or sexual violence. Thus, survivors will most likely have experienced more than one traumatic event.

Many lawyers and legal advocates find legal proceedings challenged or interrupted when a survivor is reminded of a traumatic experience. Reminders of previous trauma can be evoked by seeing people, by places or activities, or by experiencing the feelings and sensations associated with past traumatic events. These reminders can cause feelings of fear or distress or put people "on alert." They can also "restart" posttraumatic stress reactions or behavior even years after a traumatic event has occurred.*

These reminders can cause a literal re-experiencing of the event itself as well as the feelings and sensory associations with the trauma. The feelings associated with trauma may include panic, anger, disorientation, physical pain, grief, or numbing and shutting down. The sensory associations may be smells, sounds, or physical feelings. Moreover, in order to manage the painful feelings "triggered" by the reminder, survivors of trauma often cope in ways that are instinctive to them but confusing to other people: by dissociating, minimizing, or trying to control unrelated aspects of their environment.

Specific to the court environment, traumatic reminders come in many forms. This may be the first time the survivor has seen the person who abused them in a long time, and they may be triggered by being in the same room as their abuser, by a

* National Child Traumatic Stress Network. (November, 2011). *Emotional Responses to Trauma*. Retrieved from <http://www.nctsn.org/content/resources-parents-and-caregivers>.

particular facial expression, a seemingly benign comment, the color of their abuser's clothes, or the way their abuser smells.[†] Encountering such reminders may cause a survivor to feel uneasy, afraid, or terrified. At that moment, the survivor may re-experience what they felt when they were initially traumatized, as if it is happening at that time. Also keep in mind that the abuser may be intentionally doing things or using the court process itself (e.g., filing motions unnecessarily for the purpose of creating opportunities for contact) in order to try and make the survivor feel uneasy, afraid, or terrified.

It is also helpful to remember that, generally speaking, the intent of perpetrators of domestic violence is to control what the survivor says, thinks, feels, and does. Even though confronting their abuser publicly may in the long run be empowering to a survivor, the contentious nature of the legal process requires them to participate in a very public challenge of their partner and often to tell others what has happened—these actions being in stark contrast to the usual dynamics of their relationship. This public confrontation may be intimidating to the survivor, particularly when standing up for themselves in the past led to retaliation. It may also trigger memories of previously attempted challenges that ended traumatically.

Acting Proactively to Prepare for Triggers

A good course of practice in your work with survivors of domestic violence is to anticipate some of the ways trauma can manifest itself. Start by creating a partnership, proactively providing information about trauma and how it can come up in court, and asking survivors if they would like to strategize with you around ways that the legal process might be triggering or retraumatizing. In general, work with survivors of domestic violence in ways that help them to identify and prepare for trauma triggers in every step of their legal case.

Engaging in even minimal planning steps will help all survivors of domestic violence. Advance planning helps to minimize surprises and unpleasant experiences during proceedings. However, while some survivors are very self-aware and open about their fears and potential triggers, others will not be able to share their fears ahead of time.

Here are some things to keep in mind as you prepare to minimize the

Starting the Conversation...

"For a lot of people, going to court can bring up a lot of uncomfortable or scary feelings. We can prepare for this, just like we will prepare for any other part of the case.

"If you want to, we can come up with a plan for what we will do if you start to feel overwhelmed or scared or 'checked out' while we are at court."

[†] We use the pronouns they/them to be inclusive of the experiences of all survivors, across gender identities.

chances that a survivor will be triggered during the court proceedings:

- For some people who have experienced trauma, knowing what to expect with a new experience can help reduce anxiety. Discussing this with a survivor can also create emotional safety, which over time may help to build their trust in you. Consider incorporating a what-to-expect discussion into every survivor's routine preparation for court, whether or not you know them to experience any after-effects of trauma. Think through and discuss with the survivor the logistical details of the court proceeding, including where both parties will wait before court opens, where they will take breaks, and the location of restrooms. There is a balance here of giving them enough information to help them know what to expect and giving them too much information, which could potentially overwhelm them. Let them guide you. Check in as you discuss each stage of the process and ask whether they have concerns. If so, explore strategies that you might employ to mitigate their concerns. In some cases, you might find it helpful to meet at the court where the case will be held early (before the hearing begins) or even on an earlier date to discuss the steps in the process.
- Ask the survivor if they would like to enlist one or two people to help support them through the court proceeding. If the survivor so desires, coach their supportive people to be prepared to meet them at the parking ramp or bus stop, accompany them to the restroom, and help them manage unexpected events. Ask if they are working with an advocate, and if not, ask whether they would like to see if an advocate is available to accompany them.
- You can use your body to block the view to the opposing party as much as possible during the proceeding. The survivor may want to plan to look away when you are not able to physically block the abuser and to focus on you or a supportive person or advocate.
- If you have already noticed trauma responses or the survivor has expressed fear, discuss and develop a working strategy to manage any reaction they may experience during the proceedings. The survivor is the expert on their own circumstances, so partnership is critical. If they see a clinician, encourage them to discuss with their therapist strategies to get through the court proceeding and how you might be able to help.

Tips for Minimizing the Risks of Emotional Triggers...

- 1. Go over "what to expect."**
- 2. Team up with a domestic violence advocate.**
- 3. Enlist support people that the survivor trusts.**
- 4. Make a plan for how to deal with the abuser's presence in the courtroom.**
- 5. Make a plan for what to do if the survivor is triggered during the court proceedings.**

Managing Triggers that Occur During Proceedings

When a person is in the midst of being triggered, they may have a range of responses that affect their ability, at that moment, to participate in the legal process. For example, they may start crying uncontrollably, become angry, panic to the extent that conversation or cogent testimony is impossible, or dissociate to the point that they disengage from the testimony. Helping them to manage this emotional crisis may lessen the panic they feel, build their trust in you, and make subsequent proceedings go more smoothly.

- Ask the court for a recess when the survivor feels they need one or when you notice them experiencing a trauma response.
- If a survivor's answers to questions are slow and incomplete, this may be a sign of dissociation usually brought on by intense fear or reliving of a particular attack or experience. Once in recess, ask them in a calm voice to take some deep breaths. You may want to ask them if they know where they are and what day it is. This is useful for helping a survivor to ground themselves in the present and bring themselves out of the past. You may need to remind them where they are and that their abuser can't hurt them right now. You might say, for example, "Their attorney asked you a question intended to scare you. You did get scared, you 'went away,' and nothing bad happened."
- If you have taken a break because the survivor became upset or agitated, validate their feelings. Acknowledge that what's happening is very upsetting and that they are doing a great job.
- Follow your plan. If you didn't make a plan or if it's not working, ask the survivor what would help them to feel better and to continue. Sometimes just silently being with someone for a few minutes can help them to calm themselves and be prepared enough to continue.

Going to court can be challenging for anyone and can be even more so when the court process itself is retraumatizing. Our responses as lawyers and legal advocates helping survivors attend to and prepare for trauma triggers can make a tremendous difference to a survivor's experience in court, as well as their ability to follow through with their legal case, and ultimately to the success of their case.

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Understanding Traumatic Triggers, The National Center on Domestic Violence, Trauma & Mental Health, December 2011.

SECTION II:

Sample DVRO Hearing

SAMPLE DV RO HEARING OUTLINE

Preparing For Your Hearing:

Getting Your Ducks In A Row

- Has RP been served yet?
- Have the parties attended mediation?
- Was a response filed?
- Do we need a supp Dec?
- Was a lead case filed? Cases consolidated? File notice of related cases?
- Do we need I and E?
- Do we have witnesses? Did we file witness list?
- What exhibits are we using?
- Check case summary- lasc.org

Areas To Cover During The Hearing

- History of abuse – physical, emotional, sexual, financial
- Drug and alcohol abuse
- Police reports
- Other evidence
- Respondent's treatment of children

Orders Requested

- Personal conduct orders
 - Harass...
 - Contact...
- Stay-away orders (100 yards)
 - Petitioner
 - Other protected parties (child)
 - Home
 - Child's school or child care
- Child custody, visitation, support
 - Sole legal and physical custody
 - No visitation to Respondent
 - Client in aid
- Record unlawful communications

Sample Opening Statement

Your Honor, Petitioner is asking for a 5-year Restraining Order and sole legal and physical custody of the parties' minor children, with no visitation to Respondent. She will testify to a long history of physical and emotional abuse throughout the relationship... Respondent has a history of ..., and he has not been involved in caring for the minor children...

The evidence will show, by a preponderance of the evidence, that Respondent is abusive and Petitioner needs this Restraining Order for protection and she should be granted sole legal and physical custody of the minor children with no visitation to Respondent. In the alternative, if the Court grants visitation to the Respondent, the Petitioner requests that it be professionally monitored and paid for by Respondent.

Sample Direct Examination of Petitioner

Overview

What is your name?

Did you file a Request for a Restraining Order on DATE?

Are all the statements in your original declarations, your reply, and your supplemental declaration, true and correct, to the best of your knowledge? *Yes*

Are there any changes to your original declaration, your reply, or your supplemental declaration? *No*

How does it make you feel to be in the courtroom with Respondent today? Why do you feel that way?

Are you scared for the safety of anyone besides yourself? Why?

How will you feel if the Court denies your Request for a Restraining Order?

What is your relationship to the Respondent?

How long have you known him?

Do you have any children? Is Respondent the father?

(If not married) How do you know he is Child's father?

Most recent abuse:

Why are you here in court today?

What happened that made you file for a Restraining Order?

Where were you when this happened?

What did he do?

Did he say anything to you when this was happening?

How did that make you feel?

Then what happened?

What did you do then?

Did you call the police?

Did the police make a report?

Did you get a court order?

Did you do anything else?

What did you do after that?

History of the parties' relationship:

How did you meet Respondent?

What was your relationship like when you first met him?

Did your opinion of Respondent change?

Did you ever see him being violent to other people?

Were there times when he would be more likely to get angry?

Did he drink? How often? What was he like when he was drunk?

Did he do drugs? What kind? How often? What was he like when he was high?

How did it make you feel when he acted like that?

Prior incidents of abuse:

Prior to the incident on DATE, were there other times that Respondent's actions made you afraid?

Has he ever hurt you physically prior to the incident on DATE?

What did Respondent do?

Then what happened?

Has Respondent ever physically hurt you any other time? When?

What happened?

What did Respondent do?

Was there anyone else in the house when this occurred?

Did you sustain any injuries as a result of his actions?

Did Respondent ever force you to have sex with him when you didn't want to?

Did you try to get him to stop?

Did he ever force you to have sex with him any other time?

Custody and visitation:

Without giving your current address, please tell us where you're living.

Is that a permanent arrangement?

Where do you plan to live in the future?

Why are you not living there now?

Is there adequate space for you and Child there?

Are you currently working?

Who takes care of Child while you're at work?

Who has taken care of Child since she was born?

Can you describe Respondent's relationship with Child?

Do you think he's a good father?

Was he present when she was born? Where was he?

Has Respondent ever bought anything for the baby?

Has he ever given you money for Child's expenses?

Who do you think should have custody of Child? Why?

Has Respondent ever been violent to Child?

Contact in violation of the TRO:

Have you had any contact with Respondent since the TRO was issued?

Did he say anything to you? How did that make you feel?

Did you ever report this to the police? How many times? Was a police report made?

How many times has he called you since you got the Temporary Restraining Order?

How do you know it was Respondent who was calling you?

What did he say? How did that make you feel?

Did you ever report these calls to the police? Was a police report made?

Have you had any contact with Respondent since then?

Conclusion

Are you afraid of Respondent as you sit here in Court today? Why?

Why do you need a Restraining Order against Respondent?

If the court does not grant your Restraining Order, do you feel that Respondent will harm you? Why/How?

Thank you. I have no further questions at this time.

Sample Direct Examination of Witness

What is your name?

How do you know the Petitioner?

How do you know the Respondent?

Where were you on DATE?

What did Petitioner look like when you first saw her that night?

Did she tell you how she got those injuries?

What was Petitioner's demeanor when you saw her?

Was Child with her? What was Child's condition?

Sample Cross-Examination of Respondent

In your declaration, you deny ever having hit or abused Petitioner. But the truth is you've been violent to her on numerous occasions, haven't you?

You're very angry with Petitioner for bringing you into court today and getting a Restraining Order against you, isn't that right?

Sample Cross-Examination of Respondent's Witness

Isn't it true that you've witnessed Respondent's violent behavior on many occasions?

You witnessed him being physically abusive toward Petitioner in your home, didn't you?

Hasn't Respondent in fact been violent toward you?

Hasn't he been violent toward your other daughter in front of you?

You've also been violent with him in the past, haven't you?

Despite your knowledge of your son's abusive nature, you would say anything to protect him, wouldn't you?

Sample Closing Argument

Petitioner & Respondent have been xx since xx and they have xx child/ren together, which satisfies the “xx relationship” requirement of Family Code § 6210.

Petitioner credibly testified to an incident that occurred on xx, in which Respondent ...

These actions constitute “abuse” under Family Code § 6203, as:

- he placed her in reasonable apprehension of imminent serious bodily injury, and
- intentionally or recklessly caused bodily injury

The only testimony Respondent relies on is that of his family member, who is clearly a biased witness:

- Evidence Code § 780 provides that the Court may weigh the credibility of witnesses’ testimony based on the “existence of bias.”

Petitioner has met her burden of proof and shown by a **preponderance of the evidence** that good cause exists to issue the Restraining Order against Respondent. Petitioner respectfully requests that the Court grant her a Restraining Order against Respondent for a period of five years.

Furthermore, Family Code § 3011b requires the Court consider a history of abuse by one parent against the other in determining the best interest of the children. And Family Code § 3044 states that the perpetrator should not share custody. Therefore, Petitioner should be given sole physical and legal custody of the parties’ minor child with no visitation to Respondent.

In the alternative, if any visitation is granted to Respondent, Petitioner requests that it be professionally monitored and paid for in full by Respondent

In addition, Petitioner requests:

- a finding of domestic violence;
- that Respondent be ordered to pay child support;
- See DV-100 for all orders requested

SECTION III:

Sample Forms and Pleadings

[REDACTED] [SBN: XXXXXX]
Los Angeles Center for Law and Justice
1241 S. Soto St., Ste. 102
Los Angeles, CA 90023
Attorney for [REDACTED], Petitioner

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

In re:) Case No.: [REDACTED]
)
[REDACTED],)
Petitioner,) **PETITIONER'S SUPPLEMENTAL**
) **DECLARATION IN SUPPORT OF**
and) **REQUEST FOR PERMANENT**
) **RESTRAINING ORDER**
)
[REDACTED],)
Respondent.) Hearing Date: [REDACTED]
) Time: 8:30
) Dept.: XX

I, [REDACTED], am the Petitioner in this matter and if I were called to court and were sworn under oath, I could and would testify to the truth of the facts contained herein. I offer my declaration pursuant to Sections 2009 and 2015.5 of the California Code of Civil Procedure; Reifler vs. Superior Court 39 Cal.App.3d 479 (1974); and Marriage of Stevenot 154 Cal.App.3d 1051 (1984).

CASE SUMMARY AND STATEMENT OF PENDING REQUESTS

1. This Court previously granted me a Temporary Restraining Order ("TRO") against Respondent [REDACTED], aka [REDACTED] ("Respondent"), on [REDACTED]. That TRO remains in place pending the resolution of this present request for a Restraining Order After Hearing ("ROAH"). The TRO also protects our [REDACTED], [REDACTED] [DOB: XX/XX/XX]. I am

now requesting that the Court grant me and [REDACTED] a ROAH against the Respondent for a term of five (5) years based on the incidents of abuse detailed below.

2. Respondent was served with the TRO on the day after it was granted. Since the TRO was issued, Respondent has contacted me almost every day through text messages and has shown up at my work, my mother's home, and [REDACTED] school. I have kept a log of these violations and reported them to the police. Respondent's disregard for the orders in the TRO, combined with his history of death threats, his criminal history, and verbal and physical abuse towards me and [REDACTED], puts me in fear for my safety and that of [REDACTED]. An ROAH is necessary to ensure our continued protection.

3. In addition to my request for an ROAH, I am also seeking custody and visitation orders regarding [REDACTED]. I ask that the court grant me sole legal and sole physical custody of [REDACTED], [REDACTED], and no visitation to Respondent unless and until he enrolls in parenting and anger management classes. While it is important for [REDACTED] to have a relationship with the Respondent, he is not at a point where he can safely and responsibly take care of [REDACTED] on his own. Not only has our [REDACTED] [REDACTED] witnessed Respondent's violence towards me, but Respondent has also directed his anger at [REDACTED] by belittling him, calling him names and on occasion hitting [REDACTED], which would have been worse had I not intervened. He has also left [REDACTED] alone in the apartment while I was at work and Respondent was supposed to be watching him. These custody orders are necessary for [REDACTED] wellbeing.

BACKGROUND OF PETITIONER'S RELATIONSHIP WITH RESPONDENT

4. Respondent and I met and started dating approximately [REDACTED] years ago. We moved in together approximately [REDACTED] years ago, and [REDACTED] was born on [REDACTED]. We have lived together ever since, though I left our apartment after the most recent incident of abuse on [REDACTED] because Respondent refused to leave. I requested a Move Out order because I am the only one on the lease, but I have stayed away from the apartment because I do not want Respondent to find me.

//

5. I was unaware at the beginning of our relationship, but Respondent has a serious problem with marijuana. I learned more about this after we moved in together and started finding small amounts of marijuana on the countertops that were left over after Respondent rolled a blunt. Once I realized that Respondent was smoking marijuana on a daily basis, I told him that I could not support that and asked him to stop. Respondent did not care and has continued to smoke marijuana with his friends every day behind our apartment complex.

6. Respondent's drug use has created constant tension in our relationship. Respondent frequently demands money from me to fund his habit, because he is unemployed and I have a full-time job. I refuse to give Respondent money to pay for drugs, and he often becomes enraged when this happens. On one occasion, after I refused to give Respondent \$10 for drugs, he took my phone and smashed it. Attached as Exhibit A is a true and correct copy of a photograph of my broken phone. I will also bring the phone with me to the hearing. I have had difficulty addressing his problem due to Respondent's violent reactions if and when I mention his drug use.

7. Respondent also has a criminal history that I did not know about at first. In [REDACTED] [REDACTED] he pled no contest to charges of identity theft under California Penal Code section 529(a)(3) and was convicted. He is currently on probation for that crime. A true and correct copy of Respondent's criminal docket for that case, which I obtained from the criminal court on [REDACTED], is attached as Exhibit B.

8. While I was in court for his criminal proceedings in that case, the district attorney brought up the fact that Respondent was arrested for domestic violence back in [REDACTED]. I did not know that he had been violent in other relationships, and I asked Respondent about this after hearing it mentioned in court. Respondent admitted to me that he was arrested in [REDACTED] for domestic violence and spent a day in jail before being bailed out. This made me realize that this behavior is a pattern for Respondent and is unlikely to change.

MOST RECENT INCIDENT OF ABUSE

9. The most recent incident of abuse on [REDACTED] started after a disagreement about Respondent's marijuana use. The night before, I saw Respondent rolling a marijuana blunt on

the kitchen countertops. I was upset because I do not approve of Respondent's drug use and do not want [REDACTED] exposed to drugs. When I told Respondent I wanted his drugs out of the house, he became angry. The next morning, Respondent remained in a bad mood and, when I asked him to help me get [REDACTED] ready for school, he snapped.

10. Respondent said, "Leave me the fuck alone," and everything I tried to do after that upset him. Whether I had the lights on or off, or the bedroom door open or closed, Respondent was angry. He came out of our bedroom and was yelling at me as I tried to leave to take [REDACTED] to school. Respondent picked up a chair and threw it at both of us, but fortunately, I was able to close the door, so it did not hit me or [REDACTED]. I saw the damage and ran to my truck with [REDACTED]. When I returned to the apartment later, I took pictures of the damage. Attached as Exhibit C is a true and correct copy of photos that I took of our apartment security door on [REDACTED].

11. Respondent called after me, saying I was a "dumbass bitch." He followed me and [REDACTED] out of the apartment and tried to stop me from taking [REDACTED] to school. I had stopped the car as I was pulling out of the apartment complex because there were pedestrians in the way, and Respondent took this opportunity to run up and try to open the car door. I had the doors locked, so Respondent screamed for me to open them and started banging on the windows. I was able to get around Respondent and take [REDACTED] to school. After dropping [REDACTED] off, I went straight to the police station and made a report. A police officer accompanied me back to my apartment to gather my things and to take pictures of the damaged door. I was advised to seek a restraining order, which I did that day.

THE WORST AND FIRST INCIDENT OF ABUSE

12. Respondent has been physically abusive throughout the relationship. The first incident of physical abuse occurred in [REDACTED]. Respondent and I were disagreeing over something, and he got extremely angry and grabbed me by my throat. He squeezed his arm in a chokehold and continued to strangle me before eventually letting go. I was afraid that Respondent might kill me. After he let me go, I called the police. Respondent heard this and purposely scratched

himself on the face. When the police arrived, I told them what happened, but Respondent claimed that I had scratched him, which was not true. The police saw marks on my neck, but they also saw the scratch on Respondent's face and said there was not much that they could do.

13. I was left without protection and remained scared of Respondent. I felt that there was little help that I could get from the police, especially because Respondent was trying to use my call for help against me. This is why I have not contacted the police on subsequent occasions of violence during my relationship with Respondent—I felt that it would only put me in more danger by angering Respondent and, if the police could not help me, that I did not have many options or resources available to get away from Respondent.

14. After this incident, however, Respondent acknowledged that he has a serious problem with his anger. He sent me an email with a subject line "Anger Management Classes." Attached as Exhibit D is a true and correct copy of the email sent by Respondent to me on [REDACTED], downloaded from my personal email account. Because Respondent continued to abuse me after this, I now understand that he only said these things to keep me in the relationship and did not intend to change his behavior. Respondent knows he has a problem, but he never followed through on getting the help he needs, which is why I need a restraining order since he will not voluntarily seek assistance in dealing with his violence and anger.

HISTORY OF ABUSE

15. Throughout our relationship, Respondent has been both physically and verbally abusive. He has strangled me, pushed me against the wall, shoved me, punched walls, and broken doors during incidents of violence. A true and correct copy of photos that I took on my phone after an incident on [REDACTED] where Respondent caused damage to the bedroom door is attached to this Declaration as Exhibit E.

16. Respondent has also hit [REDACTED] on at least five occasions. When he is angry with me, Respondent has sometimes turned his aggression towards [REDACTED], and if I had not been present to intervene and stop it on these occasions, Respondent would have seriously harmed our child. There have been incidents where I lock myself and [REDACTED] in a room when Respondent is angry,

or go outside in our apartment complex courtyard so that neighbors will see us, in order to protect ourselves.

17. Respondent yells at me and belittles me every single day, calling me names like “bitch” and “dumbass,” telling me to “shut the fuck up” and blames me and [REDACTED] for his problems. Respondent is bigger than me and has an intimidating presence. He will sometimes get in my face while yelling, which scares me because he is so close to me and could easily hurt me. He also says demeaning things to our son in a similar way. I am concerned of the emotional impact this will have on [REDACTED] if it continues.

18. In addition to the verbal abuse and put-downs, Respondent has threatened my life and those of my family members in the past. He has threatened to set my car on fire. He has also threatened to kill me with a gun, which scares me because I know he has access to guns and he has said things like, **“If I had my gun, you’d be dead by now.”** I do not know how many guns or what kind of guns Respondent has at the moment, because he regularly buys and sell guns but never shows them to me directly; however, I found several pictures of him holding guns saved on his phone. I took pictures of these using my own phone. Attached to this Declaration as Exhibit F is a true and correct copy of the photos that I took from Respondent’s phone and downloaded from my own phone. I recognize Respondent’s arm because he has distinctive tattoos that can be seen in the photograph while holding the different guns. I am terrified that if he is allowed to maintain a gun, Respondent may take more drastic measures to hurt me.

19. Respondent also told me that he will find ways to hurt me that do not lead back to him getting caught. For example, in [REDACTED], Respondent was furious and grabbed me and ripped my shirt off. I was wearing a tank top and he tore the front of it. He made a comment to me that he was “not going to be stupid enough to put another hand on you, so I’ll get you somewhere else.” This, combined with his prior death threats, puts me in constant fear of Respondent, and I am worried about how and when he might try to harm me again.

//

//

VIOLATIONS AFTER THE [REDACTED] TEMPORARY RESTRAINING ORDER

20. I obtained the TRO on [REDACTED], and Respondent was served on [REDACTED]. After I left our apartment, I went to stay with my mother, as she is my only close relative in the area. The same day that he was served, Respondent came to my mother's house looking for me, but I was not at the house at that time. He then returned very early on the morning of [REDACTED], and started knocking on the doors and windows of the house, waking me up. I knew that Respondent would not give up easily, so I spoke to him through the security door and told him there was a restraining order for him to stay away. Respondent acknowledged that he had received the restraining order and said he came in peace and wanted me to drop the restraining order. I refused.

21. It scared me that Respondent would violate the restraining order and I no longer felt safe knowing that he could find me so easily, so I left my mother's house the next day to stay at a confidential location. Respondent returned the next day to look for me at my mother's home, but I was no longer there.

22. Then, on [REDACTED], Respondent showed up at [REDACTED] school as I dropped [REDACTED] off for class. I did not see Respondent at first, but then I saw him come out of the school office and pick up [REDACTED]. Respondent motioned to me, saying we needed to talk to the principal. I wanted to make sure he did not leave with [REDACTED], and we went to talk to a school administrator. Respondent told the principal that he wanted to see [REDACTED] and to ask for leniency if [REDACTED] acts out during our break-up, but he never mentioned the restraining order. I told the principal that [REDACTED] and I are protected by a TRO. The principal asked me to step out first and let me leave while Respondent remained in her office to talk with the principal.

23. A few days later, on [REDACTED], Respondent showed up at my workplace. We have a security system in place that does not allow access to the main office. Respondent asked to speak with me and waited in the lobby. Security was called, and when asked why he was there, Respondent said he only wanted to drop off a bag of groceries for [REDACTED]. Even if his

actions appear neutral, I believe that Respondent keeps taking these actions to continue to intimidate me, insinuating that he is not going to respect the limits of a restraining order.

24. Additionally, Respondent has sent me text messages almost every day since I obtained the TRO. A true and correct copy of some of the text messages that Respondent has sent me since I obtained the TRO are attached as Exhibit G. I know that this is Respondent's number because he has contacted me using this number throughout our relationship. Though his tone is civil, I have seen this behavior from Respondent in the past. He has a criminal record and is currently on probation. A restraining order against him would likely cause problems with the terms of his probation, so this motivates him to try to convince me to drop my request. Also, when I have tried to leave in the past, he has often used fake apologies to try to manipulate me and prevent me from leaving the relationship. If I were to drop this restraining order, I know Respondent would quickly resume his violent and demeaning behavior. I am scared of him and know that he does not mean what he says when he claims that he will not hurt me anymore.

CHILD CUSTODY AND VISITATION

25. As I noted above, Respondent has been violent towards me in [REDACTED] presence, and he has turned his anger towards [REDACTED], calling [REDACTED] names and physically harming [REDACTED]. [REDACTED] is only [REDACTED] years old, but Respondent has left him alone in the apartment while I am at work so that he can smoke marijuana outside. One time when [REDACTED] was a toddler and left unsupervised by Respondent, he ingested a couple decorative stones that I had on my house plants, and I found them in [REDACTED]'s diaper the next day. Because I did not trust Respondent to stay alone with [REDACTED] most of the time, I brought [REDACTED] to daycare for most of his life. However, there were times when I could not avoid leaving [REDACTED] with Respondent. Respondent does not consistently act with [REDACTED] best interest in mind. At this time, I am requesting sole legal and sole physical custody of [REDACTED] and no visits to Respondent until he enrolls in parenting classes and anger management classes.

ORDERS REQUESTED

26. I ask that the court grant the following orders:

1. Restraining Order After Hearing against Respondent for five years, including a stay away and no contact order.
2. Make a finding under Family Code section 3044 that Respondent has perpetrated domestic violence.
3. Sole legal and sole physical custody to Petitioner.
4. No visitation for Respondent until Respondent enrolls in parenting and anger management classes. Thereafter, alternate weekend visits for Respondent during the day on Saturday and Sunday, but no overnights.

CONCLUSION

26. I need this order to protect me and [REDACTED] from Respondent. For a long time I tried to believe that Respondent would follow through on his promises to change. After continual abuse and death threats, and abuse towards our child, I am convinced that Respondent's violent behavior will only escalate, especially if I am left without protection. I now know that the abuse will never stop without some sort of intervention, so I have moved out and am seeking this order to protect me.

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

Date: [REDACTED] _____

[REDACTED]

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): — Attorney name [SBN: 123456] Firm name Firm address TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): Our Client, Petitioner	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 N. Hill St. MAILING ADDRESS: 111 N. Hill St. CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Central District	
PETITIONER/PLAINTIFF: Our Client RESPONDENT/DEFENDANT: Opposing Party OTHER PARENT/CLAIMANT:	
<div style="text-align: center;">NOTICE OF LIMITED SCOPE REPRESENTATION</div> <input type="checkbox"/> Amended	CASE NUMBER: BQ123456 Dept. XX

1. Attorney (name): Attorney name/Firm name (e.g. Larry Lawyer/Best Firm Ever) and party (name): Our Client have a written agreement that attorney will provide limited scope representation to the party.

2. Attorney will represent the party
 - at the hearing on: XX/XX/XXXX and for any continuance of that hearing
 - until submission of the order after hearing
 - until resolution of the issues checked on page 1 by trial or settlement
 - other (specify duration of representation):

3. Attorney will serve as "attorney of record" for the party only for the following issues in this case:
 - a. Child support: (1) Establish (2) Enforce (3) Modify (describe in detail):

 - b. Spousal support: (1) Establish (2) Enforce (3) Modify (describe in detail):

 - c. Restraining order: (1) Establish (2) Enforce (3) Modify (describe in detail):

 - d. Child custody and visitation: (1) Establish (2) Enforce (3) Modify (describe in detail):

 - e. Division of property (describe in detail):

 - f. Pension issues (describe in detail):

PETITIONER/PLAINTIFF: Our Client	CASE NUMBER: BQ123456
RESPONDENT/DEFENDANT: Opposing Party	
OTHER PARENT/CLAIMANT:	

g. Contempt (*describe in detail*):

h. Other (*describe in detail*):

i. See attachment 3i.

4. By signing this form, the party agrees to sign form MC-050, *Substitution of Attorney-Civil* at the completion of the representation as set forth above.

5. The attorney named above is "attorney of record" and available for service of documents only for those issues specifically checked on pages 1 and 2. For all other matters, the party must be served directly. The party's name, address, and phone number are listed below for that purpose.

Name: Our Client

Address (*for the purpose of service*):

123 Main St.

Los Angeles, CA 90000

(Be sure to check client has a safe address, or you can put "confidential")

Phone: Same with phone number

Fax:

This notice accurately sets forth all current matters on which the attorney has agreed to serve as "attorney of record" for the party in this case. The information provided herein is not intended to set forth all of the terms and conditions of the agreement between the party and the attorney for limited scope representation.

Date:

Our Client _____
(TYPE OR PRINT NAME)

▶ _____
(SIGNATURE OF PARTY)

Date:

Attorney Name/Firm Name _____
(TYPE OR PRINT NAME)

▶ _____
(SIGNATURE OF ATTORNEY)

PETITIONER/PLAINTIFF: Our Client	CASE NUMBER: BQ123456
RESPONDENT/DEFENDANT: Opposing Party	
OTHER PARENT/CLAIMANT:	

PROOF OF SERVICE BY PERSONAL SERVICE MAIL

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served a copy of the *Notice of Limited Scope Representation* as follows (check either a. or b. below):
 - a. **Personal service.** The *Notice of Limited Scope Representation* was given to:
 - (1) Name of person served:
 - (2) Address where served:
 - (3) Date served:
 - (4) Time served:
 - b. **Mail.** I placed a copy of the *Notice of Limited Scope Representation* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed and mailed as follows:
 - (1) Name of person served: Opposing Party
 - (2) Address:

123 Broadway
Los Angeles, CA 90000
 - (3) Date of mailing: XX/XX/XXXX
 - (4) Place of mailing (*city and state*): Los Angeles, CA
 - (5) I live in or work in the county where the *Notice* was mailed.
3. Server's information:
 - a. Name: Employee of firm
 - b. Home or work address:

Firm address
 - c. Telephone number: Firm number

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

Date:

Employee of firm _____
(TYPE OR PRINT NAME)



(SIGNATURE OF PERSON SERVING NOTICE)

Clerk stamps date here when form is filed.

Use this form to change the hearing date listed on Form DV-109, *Notice of Court Hearing*. (Read DV-115-INFO, How to Ask for a New Hearing Date for more information).

1 Name of Person Asking for Protection:

Our Client _____

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

Name: Larry Lawyer State Bar No.: 123456

Firm Name: Best Firm Ever

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: Firm address

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of Los Angeles
111 N. Hill St.
Los Angeles, CA 90012
Central District

Fill in case number:

Case Number:
BQ123456 Dept. XX

2 Name of Person to Be Restrained:

Opposing Party

Mailing Address (if known): _____

City: _____ State: _____ Zip: _____

3 Request to Continue Hearing and Reissue Temporary Restraining Order

a. The hearing date is (date): XX/XX/XXXX

b. The *Notice of Court Hearing* (Form DV-109) and any temporary restraining orders have been reissued 0, 1, etc. times.

c. I ask the judge to continue the *Notice of Court Hearing* (Form DV-109) and reissue any temporary restraining orders granted on *Temporary Restraining Order* (Form DV-110) because:

- 1. I could not get the papers served before the hearing date OR
- 2. Other (specify): e.g. By stipulation of the parties

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

Date: _____

Our Client
Type or print your name

▶ _____
Sign your name

Date: _____

Larry Lawyer/Best Firm Ever
Lawyer's name, if you have one

▶ _____
Lawyer's signature

This is a not a Court Order.

Clerk stamps date here when form is filed.

1 Name of Person Asking for Protection:

Our Client

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

Name: Larry Lawyer State Bar No.: 123456

Firm Name: Best Firm Ever

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: Firm address

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of
Los Angeles
111 N. Hill St.
Los Angeles, CA 90012
Central District

2 Name of Person to Be Restrained:

Opposing Party

(Court will fill out all sections below.)

Fill in case number:

Case Number:
BQ123456 Dept. XX

3 Reason for New Hearing Date

The hearing currently scheduled for (date): XX/XX/XXXX is reset to the date in **4** below because:

- a. The person in **2** was not served before the current hearing date. Check any of these as applicable.
- b. The parties were referred to Family Court Services.
- c. The person in **2** asked for time to hire a lawyer or prepare a response.
- d. Other (specify):

e.g. By stipulation of the parties

4 Order for Continuance and Notice of New Hearing

The *Notice of Court Hearing* (Form DV-109) is reset for hearing as follows:

New Hearing Date →	Name and address of court if different from above:
	Date: <u>Clerk will fill in</u> Time: <u>8:30 a.m.</u> <u>Same as above</u> Dept.: <u>XX</u> Room: _____

This is a Court Order.



5 Temporary Restraining Order (Reissue and/or Continue)

- a. No temporary restraining orders were issued in this case.
- b. The request to keep temporary restraining orders in effect until the new hearing date is:
 - (1) **GRANTED.** There are no changes to the Temporary Restraining Order except for the expiration date. Any orders listed on the *Temporary Restraining Order* (Form DV-110), issued on (date): Date TRO granted , remain in effect until the end of the hearing in (4).
Or, if changed at time of previous continuance, date of last modification.
 - (2) **GRANTED AS MODIFIED.** The Temporary Restraining Order is modified. See the attached modified order. Any orders on the attached form remain in effect until the end of the hearing in (4).
- c. The request to keep temporary restraining orders in effect is **DENIED** until the hearing.
Reason for denial:

Warning and Notice to the Person in 2

If (5) b is checked, you must continue to obey the Temporary Restraining Order until it expires at the end of the hearing scheduled in (4) .

6 Service of Order Check as applicable

- a. No further service of this Order is required because both parties were present at the hearing when the new hearing date was ordered.
- b. A copy of this Order must be served on the person in (2) at least 5 _____ days before the hearing, along with all other forms that were filed with the court requesting domestic violence restraining orders and a hearing date. All forms must be personally served unless otherwise specified in (6) c. If item (5) b is checked, a copy of the Temporary Restraining Order **must** also be served. If item (5) c is checked, a copy of the Temporary Restraining Order **must not** be attached or served.

OR

See Form DV-109, *Notice of Court Hearing*, item (5) , for a list of all documents that must be personally served with this Order.

- c. Other (specify): _____

This is a Court Order.



7 No Fee to Serve (Notify) Restrained Person

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

Date: _____

Judicial Officer



Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to <http://www.courts.ca.gov/forms.htm> for *Request for Accommodations by Persons with Disabilities and Response* (Form MC-410). (Civ. Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate
[seal]

I certify that this *Notice of New Hearing and Order on Reissuance* (CLETS-TRO) is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

Restraining Order After Hearing (Order of Protection)

Clerk stamps date here when form is filed.

1 Name of Protected Person:

Petitioner Survivor

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

Name: Awesome Attorney State Bar No.: 5555

Firm Name: Los Angeles Center for Law and Justice

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: 1241 S. Soto St., Ste 102

City: Los Angeles State: CA Zip: 90023

Telephone: (323) 980-3500 Fax: (323) 980-3510

E-mail Address:

Fill in court name and street address:

Superior Court of California, County of Los Angeles 111 N. Hill St. 111 N. Hill St. Los Angeles, CA 90012

Clerk fills in case number when form is filed.

Case Number: YQ

2 Name of Restrained Person:

Respondent Abuser

Description of restrained person:

Sex: [X] M [] F Height: 6'1" Weight: 240 Hair Color: blk Eye Color: brn

Race: Black/Hispanic Age: 26 Date of Birth: 1/11/1988

Address (if known): Address

City: Inglewood State: CA Zip: 90302

Relationship to protected person: Ex-boyfriend/Former cohabitant

3 [X] 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. Rows include Arianna (child, F, <1), Luis (child, M, 9), Sarahya (child, F, 7).

[] 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): 11/21/2017 at (time): 11:59 [] a.m. [X] 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): 11/21/2014 with (name of judicial officer): Judge
- b. These people were at the hearing (check all that apply):
- The person in (1) The lawyer for the person in (1) (name): Awesome Attorney
- The person in (2) The lawyer for the person in (2) (name): Opposing Attorney
- 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. Communication shall be in writing only such as text or email, regarding child and visitation only.

7 Stay-Away Order

- a. The person in (2) must stay at least (specify): 100 yards away from (check all that apply):
- The person in (1) School of person in (1)
- The persons in (3) The child(ren)'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) _____
- 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 **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.

19 **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: _____

20 **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.

21 **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.

22 **Other Orders** Respondent shall sign all appropriate consent releases of info so the programs may disclose Respondent's enrollment, attendance, discharge, & completion info
Other orders (specify): directly to the Court, Petitioner, and Petitioner's attorney.

23 **No Fee to Serve (Notify) Restrained Person** Respondent shall take a DNA genetic test within ten(10) court days of today's date, or visitation
If the sheriff or marshal serves this order, he or she will do it for free.

24 **Service** shall be cancelled. Visitation may resume once Respondent completes the DNA test.
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" (deliver) a copy of this order to the person in ②.

25 **Criminal Protective Order**
a. Form CR-160, *Criminal Protective Order—Domestic Violence*, is in effect.
Case Number: _____ County: _____ Expiration Date: _____
(If there are more orders, list them on an attached 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.

26 **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*): FL-341 (D)

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.**

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.

This is a Court Order.

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.

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.

This form is attached to (check one): DV-110 DV-130

- 1 Name of Protected Person: Petitioner Survivor [X] Mom [] Dad [] Other*
2 Other Parent's Name: Respondent Abuser [] Mom [X] Dad [] Other*
* If Other, specify relationship to child: [for if paternity is disputed, check Other & call him "Alleged father"]

The Court Orders:

- 3 [X] Child Custody is ordered as follows: Legal Custody to: (Person who makes decisions about health, education. Check at least one.) Physical Custody to: (Person the child lives with. Check at least one.)
Child's Name Date of Birth Mom Dad Other* Mom Dad Other*
a. [X] [] [] [] [] [] []
b. [] [] [] [] [] [] []
c. [] [] [] [] [] [] []

[] If more children, check here. Attach a sheet of paper and write "DV-140, Child Custody" for a title.
* If Other, specify relationship to child and name of person:

- 4 [X] Child Visitation is ordered as follows:
a. [] No visitation to [] Mom [] Dad [] Other (name):
b. [] See the attached - page document, dated:
c. [] The parties must go to mediation at:
d. [X] Until the next court order, visitation for [] Mom [X] Dad [] Other (name): will be:
(1) [] Weekends (starting): (The 1st weekend of the month is the 1st weekend with a Saturday.)
[X] 1st [] 2nd [X] 3rd [] 4th [] 5th weekend of month
from at a.m. p.m. to at a.m. p.m.
(2) [] Weekdays (starting):
from at a.m. p.m. to at a.m. p.m.
(3) [] Other Visitation

Check here and attach a sheet of paper if there are other visitation days and times, like holidays, birthdays, sports events. List dates and times. Write "DV- 140, Other Visitation" for a title.

- 5 [X] Supervised Visitation or Exchange
Visits and/or exchanges of children are supervised as specified on Form DV-150, Supervised Visitation and Exchange Order.

This is a Court Order.



6 **Responsibility for Transportation for Visitation**

"Responsibility for transportation" means the parent will take or pick up the child or make arrangements for someone else to do so.

- a. Mom Dad Other (name): _____ **take children to** the visits.
 b. Mom Dad Other (name): _____ **pick up children from** the visits.
 c. Drop-off/pick-up of children will be at (address):

Inside the lobby of _____ Police Station or inside another police station as agreed by _____

by the parties in writing.

7 **Travel With Children**

Mom Dad Other (name): _____ **must** have written permission from the other parent, or a court order, to take the children outside of:

- a. The State of California
 b. The United States of America
 c. Other place(s) (list): County of Los Angeles

8 **Child Abduction**

There is a risk that one of the parents will take the children out of California without the other parent's permission. The orders in Form DV-145, *Order: No Travel with Children*, are attached and must be obeyed. (Fill out and attach Form DV-145 to this form.)

9 **Other Orders**

Check here and attach any other orders to this form. Write "DV-140, Other Orders" as a title. ^{FL-341 (D)}

10 **Jurisdiction**

This court has jurisdiction to make child custody orders in this case under the Uniform Child Custody Jurisdiction and Enforcement Act (part 3 of the California Family Code starting with § 3400).

11 **Notice and Opportunity to Be Heard**

The responding party was given reasonable notice and an opportunity to be heard as provided by the laws of the State of California.

12 **Country of Habitual Residence**

The country of habitual residence of the child or children in this case is The United States of America or Other (specify): _____

13 **Penalties for Violating This Order**

If you violate this order, you may be subject to civil or criminal penalties, or both.

14 **Duration of Child Custody, Visitation, and Support Orders**

If this form is attached to Form DV-130 (*Restraining Order After Hearing*), the custody and visitation orders in this form remain in effect after the restraining orders on Form DV-130 end.

(15) Respondent shall enroll in and successfully complete Batterer's Intervention Program, Parenting classes, and Alcohol treatment; Respondent shall enroll within 30 calendar days of today's date; Respondent shall provide progress reports/attendance verification to Petitioner; If Respondent fails to do any of these programs, visitation shall be suspended until Respondent provides proof of continuing attendance of all three programs until their completion.

This is a Court Order.

This form is attached to DV-140, *Child Custody and Visitation Order*.

- ① **Name of Protected Person:** Survivor Mom Dad Other*
- ② **Other Parent's Name:** Abuser Mom Dad Other*
- *If Other, specify relationship to child:* _____

The Court Finds:

- ③ There is a risk that (*name of parent*): Abuser might take the children without permission because that parent: (*check all that apply*):
- a. Has violated - or threatened to violate - a custody or visitation order in the past
- b. Does not have strong ties to California
- c. Has done things that make it easy for him or her to take the child without permission.
He or she has (*check all that apply*):
- | | |
|--|---|
| <input checked="" type="checkbox"/> Quit his or her job | <input type="checkbox"/> Sold his or her home |
| <input type="checkbox"/> Closed a bank account | <input checked="" type="checkbox"/> Ended a lease |
| <input type="checkbox"/> Sold or gotten rid of assets | <input checked="" type="checkbox"/> Hidden or destroyed documents |
| <input type="checkbox"/> Applied for a passport, birth certificate, or school or medical records | |
- d. Has a history of: (*check all that apply*):
- | | |
|--|--|
| <input checked="" type="checkbox"/> Domestic violence | <input checked="" type="checkbox"/> Child abuse |
| <input checked="" type="checkbox"/> Not cooperating with the other parent in parenting | <input checked="" type="checkbox"/> Taking the children without permission |
- e. Has a criminal record
- f. Has family or emotional ties to another county, state or foreign country
- Note: If (f) is checked, at least one other item in items (a)-(e) must be checked also.*

The Court Orders:

The Court makes the orders, checked below, to prevent the parent in ③ from taking the children without permission. These orders are valid in other states and any country that has signed The Hague Convention on the Civil Aspects of International Child Abduction.

- ④ **Post a Bond**
The parent in ③ must post a bond for \$ _____.
- ⑤ **Do Not Move Without Written Permission of the Other Parent or Court Order**
The parent in ③ must *not* move with the children outside This county California The United States
 Other (*specify*): _____
without written permission from the other parent or a court order.
- ⑥ **Do Not Travel Without Permission of the Other Parent or Court Order**
The parent in ③ must *not* travel with the children outside: (*check all that apply*):
 This county California The United States Other (*specify*): _____
without written permission of the other parent or a court order.

This is a Court Order.

7 Notify Other State of Travel Restrictions

The parent in (3) must register this order in the state of _____ before the children can travel to that state for visits.

8 Turn In and Do Not Apply for Passports or Other Vital Documents

The parent in (3) must *not* apply for passports or other documents (such as visas or birth certificates) that can be used for travel, and must turn in the following documents: _____

9 Provide Itinerary and Other Travel Documents

The parent in (3) must give the other parent the following before traveling with the children:

- The children's travel itinerary
- Copies of round-trip airline tickets
- Addresses and telephone numbers where the children can be reached
- An open airline ticket for the other parent in case the children are not returned
- Other (*specify*): _____

10 Notify Foreign Embassy or Consulate of Passport Restrictions

The parent in (3) must notify the embassy or consulate of _____ of this order and provide the court with proof of that notification within _____ calendar days.

11 Foreign Custody and Visitation Order

The parent in (3) must get a foreign custody and visitation order equal to the most recent U.S. order before the children can travel to that country for visits. The court recognizes that foreign orders may be changed or enforced depending on the laws of that country.

12 Enforcing the Order

The court authorizes any law enforcement officer to enforce this order. In this county, contact the Child Abduction Unit of the Office of the District Attorney at:

[contact info] _____

13 Other

Notice to Authorities in Other States and Countries

This court has jurisdiction to make child custody orders under California's Uniform Child Custody Jurisdiction and Enforcement Act (California Family Code, part 3, § 3400 et seq.) and The Hague Convention on the Civil Aspects of International Child Abduction (42 U.S.C. § 11601 et seq.). If jurisdiction is based on other factors, they will be listed in paragraph 13 above.

This is a Court Order.

**Order: No Travel With Children
(Domestic Violence Prevention)**

DV-150**Supervised Visitation and Exchange Order**

Case Number:

YQ

This form is attached to DV-110, *Temporary Restraining Order* DV-130, *Restraining Order After Hearing*
 DV-140, *Child Custody and Visitation Order*

- ① **Name of Protected Person:** survivor Mom Dad Other*
- ② **Other Parent's Name:** abuser Mom Dad Other*

*If Other, specify relationship to child: Alleged father

The Court Orders:③ **Mediation, Visitation and Exchange**

- a. Parties must go to mediation at: _____
- b. Visitation of children is supervised.
 Parent to be supervised is: Mom Dad Other (name): abuser
- c. Exchanges of children are supervised

All exchanges that do not occur at a professional supervision center shall have the nonprofessional monitor present; If monitor is absent, then visitation shall be cancelled subject to FL-341(D) #5.

④ **Schedule of Supervised Visits**

- a. All visits as provided in the schedule on Form DV-140, item ④ (d) are to be supervised.
- b. Supervised visits shall be _____ visit(s) per week of _____ hour(s) each, to be arranged with the provider.
- c. Other schedule of supervised visits is attached. (Check here and attach a sheet of paper with "DV-150, Other Schedule" for a title.)

⑤ **Type of Provider**

- a. Professional (individual or supervised visitation center)
- b. Nonprofessional
- c. Therapeutic (licensed mental health professional)

⑥ **Provider's Information**

Name: we care Family Services and Child Visitation, (562) 353-8973, www.wecarefscv.com

Telephone number: or Monitor Name1 (323) 555-5555 or Monitor Name2 (323) 555-5555

Address: or another professional supervised visitation center that the parties agree to

 in writing

⑦ **Costs Will Be Paid As Follows:**

- Mom to pay: 0 %
- Dad to pay: _____ %
- Other: Abuser to pay 100%

⑧ **Contact With Provider**

- Mom to contact provider before (date): _____
- Dad to contact provider before (date): _____
- Other: _____

⑨ **The court also orders (specify):** _____

This is a Court Order.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): — Attorney name [SBN: 123456] Firm name Firm address TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): Our Client, Petitioner	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 N. Hill St. MAILING ADDRESS: 111 N. Hill St. CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: _____	
CASE NAME: Our Client v. Opposing Party	
SUBSTITUTION OF ATTORNEY - CIVIL (Without Court Order)	CASE NUMBER: BQ123456

THE COURT AND ALL PARTIES ARE NOTIFIED THAT (name): Our Client makes the following substitution:

1. **Former legal representative** Party represented self Attorney (name): Attorney name/Firm name
2. **New legal representative** Party is representing self* Attorney
 - a. Name: Our Client
 - b. State Bar No. (if applicable): _____
 - c. Address (number, street, city, ZIP, and law firm name, if applicable):
 Client address
 (Make sure client has a safe mailing address--that of a friend/relative or a PO box--otherwise, write "confidential")
 - d. Telephone No. (include area code): Same concern as address
3. The party making this substitution is a plaintiff defendant petitioner respondent other (specify): _____

***NOTICE TO PARTIES APPLYING TO REPRESENT THEMSELVES**

<ul style="list-style-type: none"> • Guardian • Conservator • Trustee 	<ul style="list-style-type: none"> • Personal Representative • Probate fiduciary • Corporation 	<ul style="list-style-type: none"> • Guardian ad litem • Unincorporated association
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If you are applying as one of the parties on this list, you may NOT act as your own attorney in most cases. Use this form to substitute one attorney for another attorney. SEEK LEGAL ADVICE BEFORE APPLYING TO REPRESENT YOURSELF.

NOTICE TO PARTIES WITHOUT ATTORNEYS
 A party representing himself or herself may wish to seek legal assistance. Failure to take timely and appropriate action in this case may result in serious legal consequences.

4. I consent to this substitution.

Date:

Our Client _____
 (TYPE OR PRINT NAME)

▶ _____
 (SIGNATURE OF PARTY)

5. I consent to this substitution.

Date:

Attorney name/Firm name _____
 (TYPE OR PRINT NAME)

▶ _____
 (SIGNATURE OF FORMER ATTORNEY)

6. I consent to this substitution.

Date:

Our Client _____
 (TYPE OR PRINT NAME)

▶ _____
 (SIGNATURE OF NEW ATTORNEY)

(See reverse for proof of service by mail)



CASE NAME: Our Client	CASE NUMBER: BQ123456
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**PROOF OF SERVICE BY MAIL
Substitution of Attorney - Civil**

Instructions: After having all parties served by mail with the Substitution of Attorney-Civil, have the person who mailed the document complete this Proof of Service by Mail. An unsigned copy of the Proof of Service by Mail should be completed and served with the document. Give the Substitution of Attorney-Civil and the completed Proof of Service by Mail to the clerk for filing. If you are representing yourself, someone else must mail these papers and sign the Proof of Service by Mail.

1. I am over the age of 18 and **not a party to this cause**. I am a resident of or employed in the county where the mailing occurred. My residence or business address is (specify): Firm address

2. I served the Substitution of Attorney-Civil by enclosing a true copy in a sealed envelope addressed to each person whose name and address is shown below and depositing the envelope in the United States mail with the postage fully prepaid.

(1) Date of mailing: XX/XX/XXXX (2) Place of mailing (city and state): Los Angeles, CA

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

Date:

Employee of firm _____

(TYPE OR PRINT NAME)

(SIGNATURE)

NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED

4. a. Name of person served: Opposing Party
 b. Address (number, street, city, and ZIP): Opposing party's address

c. Name of person served:
 d. Address (number, street, city, and ZIP):

e. Name of person served:
 f. Address (number, street, city, and ZIP):

g. Name of person served:
 h. Address (number, street, city, and ZIP):

i. Name of person served:
 j. Address (number, street, city, and ZIP):

List of names and addresses continued in attachment.

SECTION IV:

The Law

The Domestic Violence Prevention Act (FAMILY CODE SECTIONS 6200-6219)

6200. This division may be cited as the Domestic Violence Prevention Act.

6201. Unless the provision or context otherwise requires, the definitions in this part govern the construction of this code.

6203. (a) For purposes of this act, "abuse" means any of the following:

(1) Intentionally or recklessly to cause or attempt to cause bodily injury.

(2) Sexual assault.

(3) To place a person in reasonable apprehension of imminent serious bodily injury to that person or to another.

(4) To engage in any behavior that has been or could be enjoined pursuant to Section 6320.

(b) Abuse is not limited to the actual infliction of physical injury or assault.

6205. "Affinity," when applied to the marriage relation, signifies the connection existing in consequence of marriage between each of the married persons and the blood relatives of the other.

6209. "Cohabitant" means a person who regularly resides in the household. "Former cohabitant" means a person who formerly regularly resided in the household.

6210. "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affection or sexual involvement independent of financial considerations.

6211. "Domestic violence" is abuse perpetrated against any of the following persons:

(a) A spouse or former spouse.

(b) A cohabitant or former cohabitant, as defined in Section 6209.

(c) A person with whom the respondent is having or has had a dating or engagement relationship.

(d) A person with whom the respondent has had a child, where the presumption applies that the male parent is the father of the child of the female parent under the Uniform Parentage Act (Part 3 (commencing with Section 7600) of Division 12).

(e) A child of a party or a child who is the subject of an action

under the Uniform Parentage Act, where the presumption applies that the male parent is the father of the child to be protected.

(f) Any other person related by consanguinity or affinity within the second degree.

6215. "Emergency protective order" means an order issued under Part 3 (commencing with Section 6240).

6218. "Protective order" means an order that includes any of the following restraining orders, whether issued ex parte, after notice and hearing, or in a judgment:

(a) An order described in Section 6320 enjoining specific acts of abuse.

(b) An order described in Section 6321 excluding a person from a dwelling.

(c) An order described in Section 6322 enjoining other specified behavior.

6219. Subject to adequate, discretionary funding from a city or a county, the superior courts in San Diego County and in Santa Clara County may develop a demonstration project to identify the best practices in civil, juvenile, and criminal court cases involving domestic violence. The superior courts in any other county that is able and willing may also participate in the demonstration project. The superior courts participating in this demonstration project shall report their findings and recommendations to the Judicial Council and the Legislature on or before May 1, 2004. The Judicial Council may make those recommendations available to any court or county.