

# **HOW TO APPLY FOR A DOMESTIC VIOLENCE RESTRAINING ORDER**

*Obtaining a restraining order requires effort on your part! You will need to visit the courthouse & police station several times to complete all of the necessary steps. Missing any of these steps can be dangerous for you! You should understand that the other party will receive notice of your request and will have an opportunity to appear in court. Please, read the instructions carefully. We advise you to check off each step as you go along to be sure you don't miss a crucial step in the process:*

## **I. TEMPORARY RESTRAINING ORDER (LASTS UP TO 21 DAYS ONLY)**

1. **FORMS:** Pick up a free application & instruction packet in Long Beach Courthouse, 275 Magnolia Avenue, Long Beach CA 90802, Family Law Clerk's Office, 1<sup>st</sup> Floor, Room 1200. If you hand write the forms, use black ink & write neatly. **If you need assistance, go to Legal Aid's Domestic Violence Clinic in the Long Beach Courthouse, Room 1004, (1<sup>st</sup> floor behind the Convenience Store), Monday, Wednesday & Friday: Intake at 9:00 a.m. Note: Legal Aid can only help eligible clients - their staff will tell you if you are eligible for free legal assistance.**
2. **FILING (1st time):** When your forms are complete, file them: Family Law Filing Clerk, 1<sup>st</sup> floor, Windows 1&2.
3. **COURTROOM:** The Clerk will send you either to Dept. S-15 or Dept. S-16, both located on the 3rd floor. In the courtroom, notify the Bailiff you are present and take a seat. The judge will determine if a temporary restraining order should be granted. When the judge has made a determination, the Bailiff will notify you.
4. **FILING (2nd time) & COPIES:** The Bailiff will instruct you to go back to the Family Law Clerk's Office, to the Document Review Window in Room 1103 (1<sup>st</sup> floor) for your copies of the following papers (no charge):
- |  |   |
|--|---|
| <input type="checkbox"/> Request for Order (DV-100) & any supporting dox         | 2 conformed copies (1 for you & 1 to serve) |
| <input type="checkbox"/> Notice of Court Hearing (DV-109)                        | 2 conformed copies (1 for you & 1 to serve) |
| <input type="checkbox"/> Temporary Restraining Order (DV-110) , <i>if issued</i> | 2 conformed copies (1 for you & 1 to serve) |
| <input type="checkbox"/> Order to Waive Court Fees and Costs, <i>if obtained</i> | 1 conformed copy (for your own records)     |
- The Long Beach Court Clerk will also make a complete copy & deliver directly to Long Beach Police Dept.
5. **SERVICE (1st time):** Arrange for personal service on the restrained person. The restrained person needs to receive copies of the: Request for Order (DV-100), any attached documents you filed with your request, Notice of Court Hearing (DV-109), Temporary Restraining Order (if issued) (DV-110), and a *blank* Answer to Temporary Restraining Order (DV-120).

**Either: Personal Service (a person you choose):** Find someone who is willing to personally deliver the papers to the restrained person. This could be a friend, relative, colleague or neighbor. Note:

- You **CANNOT** serve these papers yourself.
- Ask someone over the age of 18 to serve them, ***in person.***
- Serve the restrained person as soon as possible, after your papers are filed.
- The person who serves must **hand over** the papers to the restrained person & tell them it is a restraining order.
- The papers cannot be left in a mailbox or with a friend.
- If the restrained person **drops the papers** or **refuses** to accept them, leave the papers there.
- The restrained person does not have to sign anything.
- After the restrained person is served, **the person who serves the papers needs to fill out and sign the Proof of Service (DV-200, In Person, CLETS).**

**Or: Personal Service by the Sheriff.** Take 1 copy of each document to the Sheriff's office located in Room 4000 on the 4th Floor of the Long Beach Courthouse so that the Sheriff can serve the papers. The Sheriff will mail you a Proof of Service after service is complete.

**KEEP THE PROOF OF SERVICE IN A SAFE PLACE and be sure to bring it with you to court on the day of your hearing or the judge will not be able to issue a Restraining Order After Hearing.**

6. **POLICE (1st time):** After the restrained person has been served with the temporary restraining order, you must take a copy of the completed Proof of Service form to the Police Department at 400 West Broadway, Long Beach, CA 90802 so that the police can register that the restrained person now has notice of the order.

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*If you have carefully followed steps 1-6, your temporary restraining order has been properly filed, served and registered with the police department. **HOWEVER**, you must follow further procedures to ensure that you get a full restraining order and ongoing police protection.*

### **II. ORDER AFTER HEARING (LASTS UP TO 5 YEARS)**

7. **PREPARE COURT FORM:** In your packet of forms, you have a court form called RESTRAINING ORDER AFTER HEARING (ORDER OF PROTECTION) (DV-130). This form should be filled out prior to the hearing. If you need help with this form, prior to your hearing date, bring a copy of your temporary restraining order to Legal Aid's Domestic Violence Clinic, Long Beach Courthouse, Room 1004, ANY Monday/Wednesday/Friday: **Intake at 9 a.m.**
8. **SCHEDULED COURT HEARING:** You **MUST** attend court on the day and at the time noted on your court order. Be there early, dress appropriately (like going to church or an interview) and be polite with all court staff. **Don't forget your completed Proof of Service form & your prepared DV-130!!** What happens in Court?
- A. **If you do not appear in court for the hearing, you will no longer have a restraining order.**
- B. If you do appear at the hearing **with a valid Proof of Service**, and if the restrained person chooses not to appear at the hearing, and *if the facts support it*, you will most likely get some type of restraining order.
- C. If you and the restrained person both show up at the hearing, the judge will ask questions of both of you. Be sure to let the judge know why you still need the Court's protection. The judge may issue the order, depending on what both of you state in court.
- D. If there are children involved and both you and the restrained person appear in court for the hearing, the judge may require both of you to see the Court Conciliator (3<sup>rd</sup> Floor) in order to resolve problems with child custody and visitation.
9. **FILING (3rd time):** After the hearing, file the new order in the Family Law Clerk's Office & get 2 copies.
10. **SERVICE (2nd time):** If the restrained person did not appear in court, he/she must be served with the RESTRAINING ORDER AFTER HEARING (DV-130). Probably, this will again require personal service (see #5 over.) **You will need another completed and signed Proof of Service form.**
11. **FILING (4th time):** You must file the original Proof of Service in the Family Law Clerk's Office & get a copy.
12. **POLICE (2nd time):** You must take the RESTRAINING ORDER AFTER HEARING and a copy of the new Proof of Service (if required) to the Police Department immediately so that your order will be entered in the California Law Enforcement computer system which enables the police to provide better protection for you! **Note: Your temporary restraining has expired so the police do not have records of a current order protecting you.**

*Congratulations!! If you have carefully completed steps 1-12, you should now have a valid restraining order, signed by a judge, filed with the court, served on the restrained person, and entered into the California Law Enforcement computer.*

#### **Remember:**

- § **You should carry a copy of your restraining order with you at all times.**
- § **Also keep a copy in your home, car, workplace, child's school/daycare/babysitter and anywhere else where you frequent.**
- § **Focus on your safety at all times & call 911 for any emergency.**
- § **Call any of the resources below for general questions relating to domestic violence.**

#### **DOMESTIC VIOLENCE/LONG BEACH AREA REFERRALS**

Long Beach Police Department/Domestic Violence Unit .....	(562) 570-7277
Long Beach City Prosecutor .....	(562) 570-5600
Long Beach District Attorney .....	(562) 256-1200
D.A.'s Victim Witness Assistance Program .....	(562) 256-1283
Legal Aid Foundation of Los Angeles/Long Beach Office .....	(562) 435-3501

#### **Shelters**

WomenShelter of Long Beach .....	(562) HER-HOME/(562) 437-4663
Su Casa, Lakewood/Artesia .....	(562) 402-4888
Rainbow, San Pedro .....	(310) 547-9343
Interval House, Long Beach/Seal Beach .....	(562) 594-9492
1736 Family Crisis Center, Redondo Beach .....	(310) 379-3620

#### **Hotlines**

Long Beach Rape Crisis Hotline .....	(562) 597-2002
Los Angeles County Domestic Violence Hotline .....	(800) 978-3600
Los Angeles County Child Abuse Hotline .....	(800) 540-4000