



CALIFORNIA
**PARTNERSHIP TO END
DOMESTIC VIOLENCE**

Together, We're Stronger.

Restraining
Order

Enforcement

Guide

2016 Advocate Toolkit



RESTRAINING ORDER ENFORCEMENT GUIDE

Intended for Advocate Use, Not for General Public



Introduction

This toolkit has been developed by a team of domestic violence advocates from across California in collaboration with the California Partnership to End Domestic Violence. The initial idea for the development of this toolkit came from the Partnership's 2014 Statewide Public Policy Meeting, in which advocates discussed the need to address the lack of consistent enforcement of domestic violence restraining orders.

We acknowledge that there are barriers that law enforcement encounter in their efforts to address the violation of domestic violence restraining orders including a lack of prosecution of violations by some district attorney's offices, jails that are over-crowded in some communities, and in some cases, difficulty in arresting the perpetrator.

The goal of this toolkit is to offer resources, explanations, and processes for domestic violence advocates to work with survivors as they navigate the entire restraining order process. The workgroup has attempted to break down the steps and clearly explain the process as it currently stands.

This document is currently written based on the expertise and current wisdom of the working group. We acknowledge that this topic is ever evolving and welcome any input that would enhance the materials present.



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Initial Steps to Assist in Enforcing Restraining/Protective Orders

Please note: Temporary Restraining Orders must be served by personal service and are not enforceable, but are effective, until served¹. Restraining Orders After Hearing may be served by mail or in person, and this will be indicated on the order.

CONFORMED COPY:

Before leaving the courthouse, make sure that the copies of the restraining order are conformed²/filed. Protected parties may have enforcement issues when they contact law enforcement if the copy of the order in their possession is not conformed, indicating that it has been filed with the court.

PROOF OF SERVICE:

The protected party needs to verify that (1) the restraining order paperwork has been served on the restrained party and (2) that the *Proof of Service* form, DV-200, is completed and filed with the court clerk. Generally, a copy of the restraining order must be personally given to the restrained party. However, service can be completed in a variety of ways:

- A. *Personal Service*: When personal service of the restraining order is required (this is always required when service of the TRO is necessary), the person who is going to provide service of the TRO will deliver a conformed, file-stamped copy, of the order to the restrained party. Upon doing so, the person who personally provided the conformed TRO, along with a blank copy of the Response form DV-120, to the restrained person must sign a document called a *Proof of Service, form DV-200*. (The person serving the order must be over the age of 18 and cannot be named in the restraining order as a protected party). If there is need for further clarification or assistance as to how to fill out the DV-200 there is an informational sheet to aid in doing so, DV-200-INFO. Upon completion of the DV-200, the Proof of Service should be filed with the court. The protected party should staple a conformed, filed, copy of the DV-200 to each conformed copy of the actual restraining order to establish that the TRO was served on the restrained party. Personal service may or may not be required for a Restraining Order after Hearing, depending on the circumstances (the judge will indicate whether personal service or service by mail is acceptable).

¹ An "effective order" is current, valid and made by the court, but may still need to be served on the restrained party before being "enforceable". An "enforceable" order is enforceable if the restrained party has notice of the order (by personal service in this example). Please see *Reporting a Violence Subsection j)* below for a more detailed explanation of this distinction.

² An exact copy of a document filed with a court. To conform a copy, the court clerk will stamp the document in the upper right hand corner indicating "FILED," the county and the date. The conformed copy will include additional orders and provisions as made by the court including the filing date, the hearing date and the judge's signature.



1. *Pointer*: When personal service is required, always personally serve the TRO on the restrained party by the deadline provided by the court on the top of page 2 of DV-109, Notice of Hearing Form. Failure to timely serve the other party means the restrained party is not obligated to appear at the hearing and this could cause the court to continue the hearing date. The temporary orders, if there are any, could be dissolved pending a new hearing date.
 2. *Pointer*: Before the *Proof of Service DV-120*, form is filed, verify it is filled out completely, signed and dated. Any omissions, no matter how minor, may cause the form to be rejected by the court, resulting in unnecessary continuances of the hearing, enforceability issues and can make serving the restrained party a second time a challenge.
 3. *Pointer*: It is extremely common that the restrained party 1) Isn't served at all, 2) Isn't served on time or 3) the proof of service is incomplete. At the hearing, the protected party may request from the court a continuance (maximum 25 days) of the hearing date to allow more time to effectuate service on the other party. Parties may also request that the Judge provide them with the most time possible to serve the other party. Granting the continuance is up to the discretion of the Judge.
- B. *By Mail*: In some cases, when a party was previously personally served with the notice of hearing and the temporary restraining order, a copy of the new court orders may be mailed to the restrained party. This would require preparation, completion, and filing of the Proof of Service by Mail Form, DV-250. Even if the restrained party were not present at the hearing, they can be served through first class mail if they were personally served with the notice of the hearing and temporary restraining order and the terms of the restraining order are the same as the temporary restraining order. (FC 6384)³ Note: Service by mail is not proper service of the initial Temporary Restraining Orders.
- C. *Present in Court*: If the restrained party were present at the hearing, then they have received actual and personal notice of the order and therefore do not need to be personally served. (FC 6384)
1. If the restrained party was present in court and deemed to have received notice, the DV-130 will reference which parties were present (and their attorneys) at the hearing:

³ All citations and language are current as of 8/27/15, and to verify the current statute/language to go to <http://leginfo.legislature.ca.gov/faces/codes.xhtml>.



Case Number:

5 Hearings

a. The hearing was on (date): _____ with (name of judicial officer): _____

b. These people were at the hearing (check all that apply):

The person in ① The lawyer for the person in ① (name): _____

The person in ② The lawyer for the person in ② (name): _____

c. The people in ① and ② must return to 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 ⑤ 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.

WHO GETS A COPY OF THE TEMPORARY RESTRAINING ORDER AND NOTICE OF HEARING?

A. Protected Party

1. Keep a copy on their person at all times.
2. If possible, keep a copy at home, in their vehicle, provide a copy to each of the minor children's schools, day care, place a copy in their desk at work, provide a copy to their management, and carry a copy at all times.
3. *Pointer:* Make additional backup copies or scan and save an electronic copy in the event others are lost or destroyed.

B. Additional Protected Parties

1. Additional protected parties should also keep a copy on their person at all times.

C. Law Enforcement

1. Protected parties should provide a copy of the order and, when available, a copy of the Proof of Service, to the law enforcement agency located closest to where protected party lives. Most law enforcement agencies will require that this be done in person.
2. The CLETS (California Law Enforcement Telecommunications System) is a law enforcement database where restraining order information is stored and accessible to law enforcement agents in and out of the field. Restraining order information is transmitted to CLETS regardless of whether the restrained party is served or copies are provided to local law enforcement. However, occasionally mistakes are made when data is being entered into this system. It is always a good idea to have both a hard copy of your restraining order AND a copy of the proof of service on hand.
3. Advocates may refer to Family Code section 6381 which states that restraining orders are not enforceable unless the law enforcement agency has received a copy of the order or has been shown a copy of the order.

D. Others:



1. Provide copies to places where restrained party is ordered not to go (school, workplace, daycare, etc.).
2. Provide a copy to the children's child care provider or school, especially if the children are protected parties, if there are custody orders made as part of the restraining order or there is a fear of child abduction.

Out of state orders (foreign orders)

These orders can be registered using form DV-600, which will allow for their entry into the local court and law enforcement systems. Registration is free, see Family Code Section 6404 for more information.

An out of state (foreign order) is eligible for registration if it meets Family Code Section 6402(e) criteria:

- A. Identifies the protected party and restrained party.
- B. Is currently in effect.
- C. Was issued in a location that had jurisdiction over the parties.
- D. Was issued after restrained party was given reasonable notice and had an opportunity to be heard within a reasonable time after the order was issued, consistent with due process.

Appendix

1. Proof of Service form, DV-200, and Proof of Service Information form, DV-200-INFO
2. DV-530
3. Sample documents regarding registration of "foreign" order – DV-600

What to do if there is a problem or incident

REPORTING A VIOLATION:

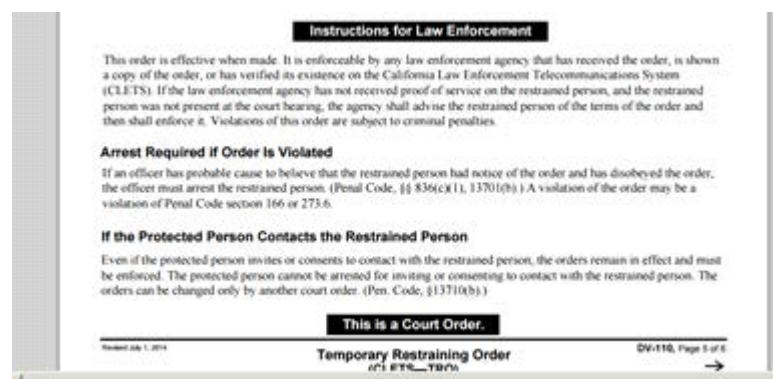
If a violation of the order is known or suspected, the protected person should call local law enforcement immediately. It is a good idea to program their cell phone with the local law enforcement emergency number (cell phones go to 911 and not necessarily to a local agency, which could cause a delayed response).

- A. *Before Law Enforcement Arrives:* If the restrained party violates the stay away provision of the order (e.g., is near the protected party or their home), the protected party is not required to confront the restrained party, communicate with them, ask them to leave or interact with them in any way. They should call law enforcement as soon as they become aware of the violation if it is safe for them to do so. If there are other people in the household, it may be a good idea to establish a pre-arranged signal instructing them to call law enforcement immediately, thereby insuring a quicker response time. Similarly, other violations of the order should be reported to law enforcement as soon as possible.
- B. The protected party should tell the dispatcher that there is a valid domestic violence restraining order and that the restrained party is violating it.



- C. When law enforcement arrives, the protected party should tell them that (1) that there is a valid restraining order in effect (and show them a copy, along with a copy of the proof of service if available) and (2) explain specifically how the restrained party has violated the order. Regardless of the outcome, the protected party should always request documentation from law enforcement evidencing their response to the incident. There are several potential outcomes if law enforcement is called. These include arrest of the restrained party with a report taken, a report taken without an arrest, or an incident report being made as to the violation.
- D. *Effective vs. Enforceable*: Considerable confusion may take place when the restrained party violates an unserved restraining order. In this circumstance, the order is effective but not enforceable, meaning the restrained party cannot be deemed to have violated the order at that time. When calling law enforcement, even if the restraining order has not been served, the protected person can provide a copy to law enforcement and request that they serve the restrained person with the documents. The protected person can make this request regardless of whether the restrained party is still present or not. Additionally, even if the restrained party has not been served, violations should still be reported to law enforcement for the purpose of creating a record of the restrained party's actions. The following example illustrates this distinction:
1. If a restrained party shows up at the home of the protected party, they are violating the unserved order and the protected party should call law enforcement as soon as it safe to do so. However, the restrained party will not be arrested for violating the unserved order. In the alternative, law enforcement, upon arriving at the scene, should serve the restrained party and enforce the order. They should arrest the restrained party if that party does not comply with the order after service (e.g., refuses to leave).
 2. As this type of situation has sparked considerable confusion, the obligations of law enforcement are spelled out in plain English on both the DV-110 (near the bottom of page 5) and DV-130 (top of page 6), referenced below. Protected parties should refer law enforcement to these sections in the event there is any confusion relating to their obligations.

DV 110 page 5



DV 130 page 6

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 (3) (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.

Revised July 1, 2014 **Restraining Order After Hearing (CLETS—OAH)** DV-130, Page 5 of 6
(Order of Protection) →
(Domestic Violence Prevention)

Case Number:

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. (Pen. 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. (Fam. Code, § 6383.)

Consider the restrained person "served" (notified) 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 Order System (DVROS). (Fam. Code, § 6381(b)-(c).)

EVIDENCE:

As a general rule, protected parties should maintain a log of any violations made by the restrained party, use a camera or camera phone to take pictures of the restrained party (if safe to do so), as well as recording any interactions with the restrained person (if safe to do so).⁴ Details should include the date, time, and location of the violation, as well as parties present and any other relevant information. In addition, as outlined below, parties should also save all evidence from each violation as it may be relevant to restraining order litigation, criminal investigations/prosecutions, social service matters, civil litigation and family law litigation, etc.

A. Photographs of:

1. Injuries:

- a) When taking photos of injuries, be sure that the injured party's face is included in some of the photos so the viewer can confirm the injuries belong to that person. If it is just a photo of an arm with a bruise, for example, one could argue that the bruise belongs to someone else.
 - b) If possible, be sure that the photos are stamped with the date and time.
 - c) Even if photos were taken by law enforcement, be sure to take your own photographs as well, as requesting the photos from law enforcement may take additional time.
2. *Property Damage*: Broken doors/windows, car damage, holes in walls, etc.
 3. *Other*: Anything else that supports the protected party's claims of a violation.

B. Electronic Communication:

⁴ Recordings of another person in the state of California is generally a criminal act. However, it is permitted when and **if** the restraining order provides that the protected person can "record unlawful" communication by the restrained person.



1. Text Messages
 - a) If possible, take a screenshot of the text message and be sure it shows the date, time and the sender.
2. Emails
 - a) Save all emails and, if possible, print the email exactly how it appears in your inbox, as opposed to cutting and pasting it into a word document.
3. Social Media Posts
 - a) Save all posts and, if possible, print the message or the post exactly how it appears on your social media page. Do not add any comments, responses, or delete the post.
4. Messaging Apps
 - a) If possible, take a screenshot of the text message and be sure it shows the date, time, the sender, as well as the phone number of the sender if possible.
5. *Pointer*: Screenshots of any calls or text messages can be emailed to the protected party's own email or others in case of problems with the phone (loss or destruction of phone). Also, keep a written log of the date and time of each call and message. (This can be helpful to establish a pattern of harassment if the calls or messages become more frequent). Although each call and message is technically a violation of the restraining order, law enforcement sometimes takes the violations more seriously (and are more willing to intervene) when the contact becomes harassing as well.
- C. *Phone Records*: Phone bills or the call log from a phone can show the number of calls made, who made them and when.
- D. *Voicemails*: Voicemails often include direct evidence of threats, harassment, stalking, surveillance and insults. If possible, make a backup audio copy of voicemails to preserve them in case of later issues with the phone.
- E. *Log*: As mentioned above, keep a composition book for any incidents with as much detail as possible. Include information regarding calls to law enforcement such as agency name, incident/report number, officer name and badge number, and outcome.
- F. *Witnesses*: Get names and contact information from witnesses as well as statements from each.
- G. *Recording Unlawful Communications*: If the Restraining Order allows it, record any unlawful communications (phone, in person, etc.) from the restrained party (if safe to do so). The protected party should educate themselves in advance on how to record phone calls, and create a shortcut to quickly begin recording in the event the restrained party calls or speaks to them.
- H. *Medical Records*: Always request and store any records for medical treatment sought for injuries related to the violation.



Enforcement Scenarios

Scenario #1:

When the restrained party purposely shows up at locations (coffee shops, etc.) frequented by the protected party, and is there when the protected party arrives.

Violation(s) of: 1) Personal Conduct Orders (stalking, disturbing the peace & harassment), 2) Stay Away Orders (100 yards from protected party). *Note: It does not matter that the restrained party arrived first. Also, the protected party cannot violate the restraining order.*

Scenario #2:

Restrained party sends text messages and leaves voicemails promising to get help and to tell the protected party that they love the protected party.

Violation(s) of: 1) Personal Conduct Order (harassment & disturbing the peace) and 2) No Contact provision. *Note: It does not matter that this is a non-violent violation of the order.*

Scenario #3:

Restrained party is parked in their car (for no discernable reason) 120 yards away from the protected party's home, being careful not to violate the 100 yard stay away order.

Violation(s) of: 1) Personal Conduct Order (stalking, harassment, disturbing the peace) and 2) (Possibly) Taking action to determine protected party's address.

Scenario #4:

Restrained party goes to the home of the protected party when he/she is not home.

Violation(s) of: 1) 100 yard stay away of protected party's residence. *Note: It does not matter if the protected party is at home or not.*

Scenario #5:

Restrained party posts a comment on the restrained party's social media account.

Violation(s): 1) Personal Conduct order (harassment) and 2) No contact order.

Scenario #6:

Restrained party, who has not been served with a copy of the restraining order, comes to the home of the protected party and demands that they talk to the restrained party.

Violation(s): 1) 100 Yard stay away (protected party & residence), 2) No contact order and 3) Personal Conduct (harassment, disturbing the peace). *Note: Restraining orders are effective when made, regardless of whether the protected party has been served. Law enforcement must still respond and attempt to serve the restrained party in this situation. Refer to page 5 of the DV-110 for law enforcement's obligations.*

MULTIPLE RESTRAINING ORDERS

Confusion regarding enforcement may result if multiple restraining orders, with conflicting terms, are currently active. Page 6 of the DV-110 (temporary restraining order) form provides guidance for enforcement of conflicting orders:

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 non-conflicting 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.

POLICE REPORTS:

When requesting a police report, protected parties may reference Family Code 6228:

- A. Domestic violence incident reports and incident face sheets shall be provided free of charge to victims. *Family Code 6228(a)*.
- B. Timing:
 1. *Face Sheet*: The victim has the right to an incident report face sheet within 48 hours, maximum 5 working days, after making the request. *Family Code 6228(b)*.
 2. *Incident Report*: The report shall be made available within 5 to 10 working days.
- C. If law enforcement is called to a domestic violence incident, they are required by state law to make a written report. Penal Code 13700 and following. The report must note, per Penal Code 13730(C), if there was a deadly weapon present at the incident. Since the state is no longer reimbursing local law enforcement agencies for taking domestic violence incident reports, they may start refusing to take such reports, especially if there are no new injuries. If this occurs, work with local DV advocates to get the police to take a report.

Restraining Order Violations: Obligations & Duties of Law Enforcement

When responding to a restraining order violation, the obligations and duties of law enforcement (arrests, how to enforce, etc.) are specifically spelled out in the Penal Code and the text of the Judicial Council forms:

- A. Penal Code 836(c)(1) – “When a peace officer is responding to a call alleging a violation of a domestic violence protective or restraining order....and the peace officer has probable cause to believe that the person upon whom the order is issued has notice of the order and has committed a violation of the order, the officer



shall...make a lawful arrest of the person without warrant and take that person into custody whether or not the violation occurred in the presence of the arresting officer...”

- B. Penal Code 13701(a) – “The written policies shall encourage the arrest of domestic violence offenders if there is probable cause that an offense has been committed. These policies shall require the arrest of an offender, absent exigent circumstances, if there is probable cause that a protective order has been issued.....and has been violated....”
- C. The protected party has a right to have a law enforcement officer who speaks their primary language or to have an interpreter present.
- D. When there is a mutual restraining order in effect, the officer is required to make a primary aggressor analysis. There is a possibility that both parties will be arrested. Family Code 6305, Penal Code 836 and Penal Code 13701.
- E. Instructions for Law Enforcement (to show officers). Use DV-110, Page 5, or DV 130, Pages 5-6 as appropriate (see above).
- F. Arrest for “foreign order” (from another state) – Family Code 6405(a).
 - 1. See earlier section regarding registration of a [foreign order](#).
- G. If Law Enforcement refuses to arrest the restrained party, call the watch commander (supervisor of the beat officers) and ask that the officers at the scene arrest the restrained party. Go up the chain of command inside Law Enforcement until you get to the Chief of Police or Sheriff if necessary.

Things to keep in mind when talking to law enforcement:

- If both parties are in the same place (and the protected party has a valid purpose in being there and the other party does not) make sure to make law enforcement aware of that.
- If there are any witnesses to who initiated the incident, give the officers their information.
- Remain calm, and answer the officer's questions.
- Stick to the facts of what happened.
- Show the officers any injuries, including ones hidden by clothing.

Filing a police report at the station

- A. Bring certified copies of the Restraining Order and Proof of Service as well as evidence of the violations: text messages, transcripts of unlawful phone calls or voice messages, photos, etc. (Bring extra copies of everything for the officer to attach to the report.)
- B. If the officer refuses to take the report, ask to speak to the Watch Commander or their supervisor. Go up the chain of command inside Law Enforcement until you get to the Chief of Police or Sheriff if necessary and ask that the officer take a report.



AFTER REPORTING THE VIOLATION

STATUS OF INVESTIGATION:

Law enforcement may not always keep the protected party informed regarding the status of the investigation and it is a good idea to call regularly to request an update. Start by contacting the detective or officer who has been assigned to the case (it may be necessary to reference the incident report number each time). They can inquire internally and/or contact the police station that took the report to determine if the matter has been forwarded to the DA or city prosecutor for review and, if it has, whether it was rejected or charges have been filed (they may also contact the office of Victim Witness - see below).

DISTRICT ATTORNEY:

In the event charges are filed, the protected party should not expect the District Attorney to keep them informed and it is a good idea to call regularly to request an update.

- A. *Victim Witness*: The protected party may contact the Victim Witness Assistance staff (often found in the DA's office) to determine if charges have been filed and to inquire about the case. Be sure to have the incident report number, date of the violation and other pertinent information to assist in the call.
- B. *Questions to ask*:
 1. What charges are being filed? For restraining order violations, the district attorney may choose to file under:
 - a) Code of Civil Procedure 1281(d): Contempt.
 - b) Penal Code 273.6: Misdemeanor violation of the restraining order.
 - c) Penal Code 166: Violation of any court order.
 2. When are charges being filed?
 3. What is the case number?
 4. Who will be the contact for the case moving forward?
 5. Case status: When is the next hearing? Did the restrained party enter a plea (guilty or not guilty)? Will I be asked to testify?

CITY ATTORNEY:

The protected party may also contact the City Attorney's Office regarding the arrest. (In some jurisdictions, misdemeanors are handled by the City Attorney's office. For example, if the District Attorney rejects a case for not being able to proceed on felony charges, they may forward the case to the city prosecutor to see if they will file misdemeanor charges.)

If the Prosecutor does not file charges for the violation, a contempt action may be filed by the protected party against the restrained party for violation of the restraining order. This remedy is under-utilized and can be effective--up to five days in jail for each violation. However, the restrained party has a right to a free public defender if they have no money,



and the protected party has no right to a district attorney to represent them. If a protected party wants to try this remedy, they should work with a family law attorney who is familiar with the process.

Appendix

NNEDV Technology Safety Toolkit

To find more up to date information in regards to technology and survivor safety please see NNEDV's Technology Safety Toolkit: <http://nnedv.org/resources/safetynetdocs.html>.

Included is: Assistive Technology for People who have Disabilities or who are Deaf; Cell Phones; Confidentiality and Privacy (For Agencies & Programs Working with Survivors); Databases & Data Retention (for Agencies & Programs Working with Survivors); General Technology Safety & Information; Safety Net Journal Articles & Publications; Online Safety & Privacy Tips; Organizational Technology Capacity & Development (for Agencies & Programs Working with Survivors); and Privacy.



Proof of Service form

DV-200 Proof of Personal Service

1 Name of Person Asking for Protection: _____

2 Name of Person to Be Restrained: _____

3 **Notice to Server**
The server must:

- Be 18 years of age or older.
- Not be listed in items 1 or 3 of form DV-100, *Request for Domestic Violence Restraining Order*.



- Give a copy of all documents checked in 4 to the restrained person in 2. (You cannot send them by mail.) Then complete and sign this form, and give or mail it to the person in 1.

4 I gave the person in 2 a copy of all documents checked:

a. DV-109 with DV-100 and a blank DV-120 (*Notice of Court Hearing; Request for Domestic Violence Restraining Order; blank Response to Request for Domestic Violence Restraining Order*)

b. DV-110 (*Temporary Restraining Order*)

c. DV-105 and DV-140 (*Request for Child Custody and Visitation Orders, Child Custody and Visitation Order*)

d. FL-150 with a blank FL-150 (*Income and Expense Declaration*)

e. FL-155 with a blank FL-155 (*Financial Statement (Simplified)*)

f. DV-115 (*Request to Continue Hearing and Reissue Temporary Restraining Order*)

g. DV-116 (*Notice of New Hearing Date and Order on Reissuance*)

h. DV-130 (*Restraining Order After Hearing*)

i. Other (specify): _____

5 I personally gave copies of the documents checked above to the person in 2 on:

a. Date: _____ b. Time: _____ a.m. p.m.

c. At this address: _____

City: _____ State: _____ Zip: _____

6 **Server's Information**

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

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

Date: _____

Type or print server's name

Server to sign here

Clerk stamps date here when form is filed.

Fill in court name and street address:
Superior Court of California, County of _____

Fill in case number:
Case Number: _____



DV-530-INFO How to Enforce Your Restraining Order

Get copies.

Get copies of your restraining order (DV-110 or DV-130) and *Proof of Service* (Form DV-200 or DV-250) from the court clerk if you don't already have them:

- Always keep a copy with you. You may need to show it to the police.
- Keep another copy in a safe place and consider keeping a copy in your car.
- Give a copy to anyone else protected by the order.
- Take copies to places where you and the other protected people go (e.g. school, work, daycare, etc.).
- Give a copy to the security officers in your apartment building and workplace.
- Staple the restraining order (DV-110 or DV-130) to the *Proof of Service* (DV-200 or DV-250).

When should I call the police?

Call the police **right away** if the restrained person violates any of the orders. Also:

- Write down what happened, when, where, and the names of any witnesses.
- Get copies of police reports.
- If you are hurt, get copies of medical reports.



If you're in danger, call 911!

Even if you haven't served the orders yet, call the police.

Show the police a copy of your orders. If the restrained person is there, ask the officer to serve the orders. If the officer serves the orders, he or she will send the *Proof of Service* to the court and CLETS for you. CLETS is a statewide computer system that lets police know about your orders.

What can the police do?

It is a crime to disobey the judge's orders.

The restrained person can be arrested, pay a fine, and/or go to jail or prison.

Ask your local district attorney (D.A.) how he or she will handle your case. The D.A. may file criminal or contempt charges. You can always call the D.A. for information about a criminal case.

You can also file a civil contempt action. Ask the court clerk for forms or visit www.courts.ca.gov.



Guns, Other Firearms and Ammunition

The restrained person cannot

- own
- have
- buy or try to buy

a gun or firearm or ammunition while the order is in effect. If the person does any of these things, he or she can go to jail and be ordered to pay a fine of \$1,000.

A law enforcement officer can give you information about any firearms the restrained person has registered, transferred, or sold. (Penal Code section 11106). You may disclose the information as needed to protect yourself or someone else. Tell law enforcement if you have any information about any guns the restrained person has or where they are located.



Sample docs re registration of "foreign" order – DV -600

| | | |
|---|--|--|
| DV-600 | Order to Register Out-of-State or Tribal Court Protective/Restraining Order | Clerk stamps date here when form is filed. |
| <p>1 Name of Protected Person:</p> <p>_____</p> <p>Your lawyer in this case (if you have one):</p> <p>Name: _____ State Bar No.: _____</p> <p>Firm Name: _____</p> <p>Your 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.):</p> <p>Address: _____</p> <p>City: _____ State: _____ Zip: _____</p> <p>Telephone: _____ Fax: _____</p> <p>E-Mail Address: _____</p> | <p style="font-size: small;">Fill in court name and street address:</p> <p>Superior Court of California, County of</p> <p>_____</p> <p style="font-size: small;">Fill in case number:</p> <p>Case Number:</p> <p>_____</p> | |
| <p>2 Name of Restrained Person:</p> <p>_____</p> <p>Description of restrained person:</p> <p>Sex: <input type="checkbox"/> M <input type="checkbox"/> F Height: _____ Weight: _____ Hair Color: _____ Eye Color: _____</p> <p>Race: _____ Age: _____ Date of Birth: _____</p> <p>Mailing Address (if known): _____</p> <p>City: _____ State: _____ Zip: _____</p> <p>Relationship to protected person: _____</p> | | |
| <p>3 I am protected by the attached protective/restraining order. The order was made by (name and address of court):</p> <p>_____</p> | | |
| <p>4 The attached order:</p> <ul style="list-style-type: none"> • Is a true and correct copy • Is currently valid and in full force and effect • Has not been changed, canceled, or replaced by any other order • Was made in a different state, U.S. territory, Indian tribal court, the District of Columbia, Puerto Rico, US Virgin Islands, or in a military court • Expires on (date): _____ | | |
| <p>5 I ask that the attached order be registered with this court for entry into the California Law Enforcement and Telecommunication System (CLETS). My request is voluntary. I understand that registration of the order is not necessary for enforcement.</p> <p>I declare under penalty of perjury under the laws of the State of California that the above information is true and correct.</p> <p>Date: _____</p> | | |
| <p>_____</p> <p style="font-size: small;">Type or print your name</p> | <p>▶</p> | <p>_____</p> <p style="font-size: small;">Sign your name</p> |

This is a Court Order.



Case Number: _____

The attached out-of-state restraining order is registered, valid, and enforceable in California, and can be entered into CLETS, unless it ends or is changed by the court that made it.

Date: _____



Judge (or Judicial Officer)

Court Clerk Must Seal This Form and Attached Foreign Protection Order

This form sets forth the procedure to register a foreign protection order under Family Code section 6404. No court hearing is required to register the foreign protection order. This form and the attached foreign protection order must be sealed pursuant to Family Code section 6404(a). Access to the foreign protection order is allowed only to law enforcement, the person who registered the order upon written request with proof of identification, the defense after arraignment on criminal charges involving an alleged violation of the order, or upon further order of the court.

(Clerk will fill out this part.)

—Clerk’s Certificate—

*Clerk’s Certificate
[seal]*

I certify that this *Order to Register Out-of-State or Tribal Court Protective/Restraining Order* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.



District Attorney Roster

For updates, check <https://www.cdaa.org/district-attorney-roster>

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| <p>ALAMEDA COUNTY The Honorable Nancy O'Malley District Attorney 1225 Fallon Street, Room 900 Oakland, CA 94612 Phone: (510) 2726222 Fax: (510) 2175157</p> | <p>ALPINE COUNTY The Honorable Karen Dustman District Attorney P.O. Box 248 Markleeville, CA 96120 Phone: (530) 6942971 Fax: (530) 6942980</p> | <p>AMADOR COUNTY The Honorable Todd Riebe District Attorney 708 Court Street, #202 Jackson, CA 95642 Phone: (209) 2236444 Fax: (209) 2236304</p> |
| <p>BUTTE COUNTY The Honorable Michael Ramsey District Attorney 25 County Center Drive — Administration Building Oroville, CA 95965 Phone: (530) 5387411 Fax: (530) 538707</p> | <p>CALAVERAS COUNTY The Honorable Barbara Yook District Attorney 891 Mountain Ranch Road San Andreas, CA 95249 Phone: (209) 7546330 Fax: (297) 7546327</p> | <p>COLUSA COUNTY The Honorable John Poyner District Attorney 346 5th Street, Suite 101 Colusa, CA 95932 Phone: (530) 4580545 Fax: (530) 4580518</p> |
| <p>CONTRA COSTA COUNTY The Honorable Mark Peterson District Attorney 900 Ward Street Martinez, CA 94553 Phone: (925) 9572200 Fax: (925) 9572565</p> | <p>DEL NORTE COUNTY The Honorable Dale P. Trigg District Attorney 450 H Street, Room 171 Crescent City, CA 95531 Phone: (707) 4647210 Fax: (707) 4656609</p> | <p>EL DORADO COUNTY The Honorable Vernon Pierson District Attorney 515 Main Street Placerville, CA 95667 Phone: (530) 6216472 Fax: (530) 6211280</p> |
| <p>FRESNO COUNTY The Honorable Lisa Smittcamp District Attorney 2220 Tulare Street, Suite 1000 Fresno, CA 93721</p> | <p>GLENN COUNTY The Honorable Dwayne Stewart District Attorney P.O. Box 430 Willows, CA 95988 Phone: (530) 9346525</p> | <p>HUMBOLDT COUNTY The Honorable Maggie Fleming District Attorney 825 5th Street Eureka, CA 95501 Phone: (707) 4457411</p> |



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| Phone: (559) 6003141 Fax: (559) 6004400 | Fax: (530) 9346529 | Fax: (707) 4457416 |
| IMPERIAL COUNTY The Honorable Gilbert G. Otero District Attorney 940 West Main Street, Suite 102 El Centro, CA 92243 Phone: (442) 2651175 Fax: (760) 3524474 | INYO COUNTY The Honorable Thomas L. Hardy District Attorney 168 North Edwards Independence, CA 93526 Phone: (760) 8780282 Fax: (760) 8782383 | KERN COUNTY The Honorable Lisa Green District Attorney 1215 Truxtun Avenue Bakersfield, CA 93301 Phone: (661) 8682340 Fax: (661) 8682700 |
| KINGS COUNTY The Honorable Keith Fagundes District Attorney 1400 West Lacey Blvd. Hanford, CA 93230 Phone: (559) 5820326 Fax: (559) 5849630 | LAKE COUNTY The Honorable Donald Anderson District Attorney 255 N. Forbes Street Lakeport, CA 95453 Phone: (707) 2632251 Fax: (707) 2632328 | LASSEN COUNTY The Honorable Stacey L. Montgomery District Attorney 220 S. Lassen Street, Suite 8 Susanville, CA 96130 Phone: (530) 2518283 Fax: (530) 2512692 |
| LOS ANGELES COUNTY The Honorable Jackie Lacey District Attorney 211 W. Temple Street, Suite 200 Los Angeles, CA 90012 Phone: (213) 9743501 Fax: (213) 9741484 | MADERA COUNTY The Honorable David Linn District Attorney 209 West Yosemite Avenue Madera, CA 93637 Phone: (559) 6757726 Fax: (559) 6730430 | MARIN COUNTY The Honorable Edward Berberian District Attorney 3501 Civic Center Drive, Room 130 San Rafael, CA 94903 Phone: (415) 4996450 Fax: (415) 4996734 |
| MARIPOSA COUNTY The Honorable Tom Cooke District Attorney P.O. Box 730 Mariposa, CA 95338 Phone: (209) 7422166 Fax: (209) 9665681 | MENDOCINO COUNTY The Honorable C. David Eyster District Attorney P.O. Box 1000 Ukiah, CA 95482 Phone: (707) 4634211 Fax: (707) 4634687 | MERCED COUNTY The Honorable Larry Morse II District Attorney 550 West Main Street Merced, CA 95340 Phone: (209) 3857381 Fax: (209) 7253669 |
| MODOC COUNTY The Honorable Jordan Funk District Attorney 204 S. Court Street Room 202 Alturas, CA 96101 Phone: (530) 2336212 | MONO COUNTY The Honorable Tim Kendall District Attorney P.O. Box 2053 Mammoth Lakes, CA 93546 Phone: (760) 9241710 Fax: (760) 9241711 | MONTEREY COUNTY The Honorable Dean Flippo District Attorney P.O. Box 1131 Salinas, CA 93902 Phone: (831) 7555070 Fax: (831) 7963389 |



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|---|--|--|
| Fax: (530) 2334067 | | |
| NAPA COUNTY The Honorable Gary Lieberstein District Attorney P.O. Box 720 Napa, CA 94559 Phone: (707) 2534211 Fax: (707) 2534041 | NEVADA COUNTY The Honorable Clifford Newell District Attorney 201 Commercial Street Nevada City, CA 95959 Phone: (530) 2651301 Fax: (530) 4781871 | ORANGE COUNTY The Honorable Tony Rackauckas District Attorney 401 Civic Center Drive West Santa Ana, CA 92701 Phone: (714) 8343600 Fax: (714) 8345880 |
| PLACER COUNTY The Honorable R. Scott Owens District Attorney 10810 Justice Center Drive Roseville, CA 95678 Phone: (916) 5438000 Fax: (916) 5432550 | PLUMAS COUNTY The Honorable David Hollister District Attorney 520 Main Street, Room 404 Quincy, CA 95971 Phone: (530) 2836303 Fax: (530) 2836340 | RIVERSIDE COUNTY The Honorable Michael Hestrin District Attorney 3960 Orange Street Riverside, CA 92501 Phone: (951) 9555400 Fax: (951) 9555682 |
| SACRAMENTO COUNTY The Honorable Anne Marie Schubert District Attorney 901 G Street Sacramento, CA 95812 Phone: (916) 8746218 Fax: (916) 8745340 | SAN BENITO COUNTY The Honorable Candice HooperMancino District Attorney 419 4th Street Hollister, CA 95023 Phone: (831) 6364120 Fax: (831) 6364126 | SAN BERNARDINO COUNTY The Honorable Michael Ramos District Attorney 303 W. Third Street San Bernardino, CA 92415 Phone: (909) 3878309 Fax: (909) 3876444 |
| SAN DIEGO COUNTY The Honorable Bonnie Dumanis District Attorney 330 W. Broadway, Suite 1300 San Diego, CA 92101 Phone: (619) 5314040 Fax:(619) 2371351 | SAN FRANCISCO COUNTY The Honorable George Gascon District Attorney 880 Bryant Street, Third Floor San Francisco, CA 94103 Phone: (415) 5531751 Fax: (415) 5758815 | SAN JOAQUIN COUNTY The Honorable Tori Verber Salazar District Attorney P.O. Box 990 Stockton, CA 95202 Phone: (209) 4682400 Fax: (209) 4650371 |
| SAN LUIS OBISPO COUNTY The Honorable Dan Dow District Attorney Courthouse Annex, 4th Floor San Luis Obispo, CA 93408 Phone: (805) 7815800 | SAN MATEO COUNTY The Honorable Stephen Wagstaffe District Attorney 400 County Center, Third Floor Redwood City, CA 94063 Phone: (650) 3634636 | SANTA BARBARA COUNTY The Honorable Joyce Dudley District Attorney 1112 Santa Barbara Street Santa Barbara, CA 93101 Phone: (805) 5682300 Fax: (805) 5682398 |



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| Fax: (805) 7814307 | Fax: (650) 3634873 | |
| SANTA CLARA COUNTY The Honorable Jeffrey Rosen District Attorney 70 West Hedding Street, West Wing San Jose, CA 95110 Phone: (408) 2907400 Fax: (408) 2865437 | SANTA CRUZ COUNTY The Honorable Jeff Rosell District Attorney 701 Ocean Street, Room 200 Santa Cruz, CA 95060 Phone: (831) 4542400 Fax: (831) 4542227 | SHASTA COUNTY The Honorable Stephen Carlton District Attorney 1355 West Street Redding, CA 96001 Phone: (530) 2456300 Fax: (530) 2456334 |
| SIERRA COUNTY The Honorable Lawrence Allen District Attorney 100 Courthouse Square Downieville, CA 95936 Phone: (530) 2893269 Fax: (530) 2892822 | SISKIYOU COUNTY The Honorable James Kirk Andrus District Attorney P.O. Box 986 Yreka, CA 96097 Phone: (530) 8428125 Fax: (530) 8428137 | SOLANO COUNTY The Honorable Krishna A. Abrams District Attorney 675 Texas Street, Suite 4500 Fairfield, CA 94533 Phone: (707) 7846800 Fax: (707) 7847986 |
| SONOMA COUNTY The Honorable Jill Ravitch District Attorney 600 Administration Drive, Room 212J Santa Rosa, CA 95403 Phone: (707) 5652311 Fax: (707) 5656187 | STANISLAUS COUNTY The Honorable Birgit Fladager District Attorney 832 12th Street, Suite 300 Modesto, CA 95353 Phone: (209) 5255550 Fax: (209) 5584027 | SUTTER COUNTY The Honorable Amanda L. Hopper District Attorney 446 Second Street, Suite 102 Yuba City, CA 95991 Phone: (530) 8227330 Fax: (530) 8227337 |
| TEHAMA COUNTY The Honorable Gregg Cohen District Attorney P.O. Box 519 Red Bluff, CA 96080 Phone: (530) 5273053 Fax: (530) 5274735 | TRINITY COUNTY The Honorable Eric Heryford District Attorney P.O. Box 310 Weaverville, CA 96093 Phone: (530) 6231304 Fax: (530) 6238346 | TULARE COUNTY The Honorable Tim Ward District Attorney 221 South Mooney Blvd., Suite 224 Visalia, CA 93291 Phone: (559) 6365494 Fax: (559) 7302658 |
| TUOLUMNE COUNTY The Honorable Laura Krieg District Attorney 423 No. Washington Street | VENTURA COUNTY The Honorable Gregory Totten District Attorney | YOLO COUNTY The Honorable Jeffery Reisig District Attorney 301 Second Street |



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|---|--|--|
| Sonora, CA 95370 Phone: (209) 5885450 Fax: (209) 5885445 | 800 South Victoria Avenue Ventura, CA 93009 Phone: (805) 6542500 Fax: (805) 6543850 | Woodland, CA 95695 Phone: (530) 6668180 Fax: (530) 6668423 |
| YUBA COUNTY The Honorable Patrick McGrath District Attorney 215 Fifth Street, Suite 152 Marysville, CA 95901 Phone: (530) 7497770 Fax: (530) 7497363 | | |

Penal Code 836(c)(1)

When a peace officer is responding to a call alleging a violation of a domestic violence protective or restraining order issued under Section 527.6 of the Code of Civil Procedure, the Family Code, Section 136.2, 646.91, or paragraph (2) of subdivision (a) of Section 1203.097 of this code, Section 213.5 or 15657.03 of the Welfare and Institutions Code, or of a domestic violence protective or restraining order issued by the court of another state, tribe, or territory and the peace officer has probable cause to believe that the person against whom the order is issued has notice of the order and has committed an act in violation of the order, the officer shall, consistent with subdivision (b) of Section 13701, make a lawful arrest of the person without a warrant and take that person into custody whether or not the violation occurred in the presence of the arresting officer. The officer shall, as soon as possible after the arrest, confirm with the appropriate authorities or the Domestic Violence Protection Order Registry maintained pursuant to Section 6380 of the Family Code that a true copy of the protective order has been registered, unless the victim provides the officer with a copy of the protective order.

Language current as of 08/27/15. For updates and to confirm current language, go to <http://leginfo.legislature.ca.gov/faces/codes.xhtml>

Penal Code 13701(a)

Every law enforcement agency in this state shall develop, adopt, and implement written policies and standards for officers' responses to domestic violence calls by January 1, 1986. These policies shall reflect that domestic violence is alleged criminal conduct. Further, they shall reflect existing policy that a request for assistance in a situation involving domestic violence is the same as any other request for assistance where violence has occurred.

Language current as of 08/27/15. For updates and to confirm current language, go to <http://leginfo.legislature.ca.gov/faces/codes.xhtml>

