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What is a "domestic violence restraining order"?

It is a court order that can help protect people from abuse.

What is abuse?

Abuse means to hit, kick, hurt, scare, throw things, pull hair, push, follow, harass, sexually assault, or threaten to do any of these things. Abuse can be spoken, written, or physical.

Can I get a restraining order?

You can ask for one if:

- A person has abused you *and*
- You have a close relationship with that person (married, divorced, separated, registered domestic partnership, dating or used to date, live together or used to live together*), or you are related (parent, child, brother, sister, grandmother, grandfather, in-law)

* You have to be more than just roommates.

What if I don't qualify for a restraining order?

If you do not qualify, there are other kinds of orders you can ask for:

- Civil harassment order (can be used for neighbors, roommates, and co-workers)
- Dependent adult or elder abuse restraining order

Ask the court clerk for the forms you need for these special kinds of orders. You may also want to talk to a lawyer.

How soon can I get the order?

The judge will decide whether or not to make the order within 24 hours of your request. Sometimes the judge decides sooner.

How will the restraining order help me?

It can order the restrained person to:

- Not contact or go near you, your children, other relatives, or others who live with you
- Not have a gun
- Move out of your house

Other orders are available. The restraining order can also provide for:

- Child custody and visitation orders
- Child support
- Spousal support

How long does the order last?

The first (temporary) order lasts until your next court date. At that time, the judge will decide to continue or cancel the order. The order issued at that hearing could last for up to 5 years. Child custody, visitation, and support orders last longer. Child custody, visitation, and support orders can last until the child turns 18.

How much does it cost?

Nothing.

What if I don't have a green card?

You can still get a restraining order. If you are worried about deportation, talk to an immigration lawyer.

Do I have to go to court?

Yes. Go to court on the date the clerk gives you. If you do not, your order will end.

Do I need a lawyer?

No. But it is a good idea, especially if you have children. Ask the court clerk about legal services and domestic violence help centers in your county. The clerk can also send you to the Family Law Facilitator for help with child support.

Do I need to bring a witness to the court hearing?

No. But it helps to have proof of the abuse. You can bring:

- A statement from a witness, made under oath
- A witness
- Photos
- Medical or police reports
- Damaged property
- A threatening letter, an e-mail, or a telephone message

The judge may or may not let a witness speak at the hearing.

Will I see the restrained person at the hearing?

If the restrained person comes to the hearing, yes. But that person does not have the right to speak to you. If you are afraid, tell the court officer. Read *Get Ready for Your Hearing (For Protected Person)* (Form DV-520-INFO).

Can I bring someone with me to the court?

Yes. You can bring someone to sit with you during the hearing. But that person cannot speak for you in court. Only you or your lawyer (if you have one) can speak for you.

What if I don't speak English?

When you file your papers, ask the clerk for a court interpreter. If the interpreter is not available for your court date, bring someone to interpret for you. Do not ask a child, or anyone protected by the order, to interpret for you.

What if I am deaf or hard of hearing?**Requests 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 proceeding. Contact the clerk's office or go to www.courtinfo.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Response* (Form MC-410). (Civil Code, § 54.8.)

How will the restrained person know about the order?

Someone who is at least 18—not you or anyone else protected by the order—must “serve” (give) the restrained person with a copy of the order. The sheriff will do it for free (use Form CH-101/DV-290) but you have to ask. For more help, ask the court clerk for Form DV-210-INFO.

What if the restrained person doesn't obey the order?

Call the police. The restrained person can be arrested and charged with a crime.

Can I agree with the restrained person to cancel the order?

No. Only the judge can change or cancel the order.

Can I use the restraining order to get divorced or terminate a registered domestic partnership?

No. These forms will not end your marriage or registered domestic partnership. You must file other forms to end your marriage or registered domestic partnership. The court clerk can tell you where to get legal help.

Can this order stop the other person from taking our children away?

Yes. The judge can order the person named in the orders *not* to take the children out of California, or the county you live in, without your written agreement or another court order.

What if I move?

Your restraining order works anywhere in the United States. If you move out of California, contact your new local police so they will know about your orders. If you want to move with your minor children, you need the other parent's permission or a court order. (There are some exceptions. Talk to a lawyer.)

Need more information?

Ask the court clerk about free or low-cost legal help. Or call the National Domestic Violence Hotline:

1-800-799-7233

TDD: 1-800-787-3224

They can help you in more than 100 languages. It's free and private.

For help in your area, contact: