

# SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN DIEGO

## DOMESTIC VIOLENCE – RESTRAINING ORDER RESPONDENT PACKET



### FORMS INCLUDED IN THIS PACKET

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# DV-120-INFO How Can I Respond to a Request for Domestic Violence Restraining Order?

## I was served with form DV-100, DV-109, or DV-110. What does this mean?

Someone has asked for a domestic violence restraining order against you. On the forms, you are the "person in ②" and the person who wants a restraining order against you is listed in ① on all the forms.

**Form DV-100:** This form has all the orders that the person in ① has asked the judge to order.

**Form DV-109:** Your court hearing (court date) is listed on this form. You should attend the court hearing if you do not agree to the orders requested. If you do not attend, the judge can make orders against you without hearing from you.

**Form DV-110:** If you were served with form DV-110, it means that the judge granted a temporary restraining order against you. You must follow the orders.

## What is a Domestic Violence Restraining Order?

It is a court order that can help protect people who have been abused by someone they have been intimate with, or are closely related to. To be eligible, the person asking for the restraining order must be:

- Someone you date or used to date
- A spouse, ex-spouse, registered domestic partner, or ex-domestic partner
- Someone you live or lived with (more than a roommate)
- Your parent, sibling, child, grandparent, or grandchild related by blood, marriage, or adoption

## What if I have children with the person asking for a restraining order?

A restraining order can include orders for your children, including listing them as protected persons. It can also include child custody and visitation orders and orders to limit your ability to travel with your children.

## What can a restraining order do?

A restraining order can include orders for you to:

- Not contact or harm the protected person, including children or others listed as protected people
- Stay away from all protected people and places
- Not have any firearms (guns), firearm parts, ammunition, or body armor. This includes homemade or untraceable guns, like "ghost guns."
- Move out of the place that you share with the protected person
- Follow custody and visitation orders
- Pay child support
- Pay spousal support
- Pay debt for property
- Give control of property (examples: cell phone, car, home) to the person asking for protection.

## How long does the order last?

If the judge granted a temporary restraining order (form DV-110), it will last until the hearing date. At your court hearing, the judge will decide whether to extend the order or cancel the order. The judge can extend the order for up to five years. Custody, visitation, child support, and spousal support orders can last longer than five years and they do not end when the restraining order ends.

## What if I don't obey the order?

The police can arrest you. You can go to jail and pay a fine. You must still follow the orders even if you are not a U.S. citizen. If you are worried about your immigration status, talk to an immigration lawyer.

## What if I want to leave the county or state?

You must still comply with the restraining order, including custody and visitation orders. The restraining order is valid anywhere in the United States.



# DV-120-INFO How Can I Respond to a Request for Domestic Violence Restraining Order?

## What do I do next?

### Part 1: Turn in or sell prohibited items

If there is a temporary restraining order against you (see form DV-110), then you must immediately turn in, sell, or store any prohibited items you have or own.

Prohibited items include:

- **Firearms**, including any handgun, rifle, shotgun, and assault weapon
- **Firearm parts**, meaning receivers, frames, and any item that may be used as or easily turned into a receiver or frame
- **Ammunition**, including bullets, shells, cartridges, and clips



You must then prove to the court that you've complied with the orders. Bring form [DV-800/JV-270, Receipt for Firearms, Firearm Parts, and Ammunition](#), to a gun dealer or law enforcement when you turn in your items. After DV-800/JV-270 is complete, file it with the court. You may ask the court for information on how to turn in, sell, or store these items in your city or county. You can also read form [DV-800-INFO/JV-270-INFO, How Do I Turn In, Sell, Or Store My Firearms, Firearm Parts, and Ammunition?](#)

### Part 2: Relinquish body armor

If there is a temporary restraining order against you (see form DV-110), you must relinquish any body armor that you have or own.

Note: If you need to have and use body armor for your work, livelihood, or safety, you may ask for an exception with a chief of police or sheriff in the county where you will have and use the body armor (see Penal Code section 31360(c)).

### Part 3: Respond in writing (optional)

"Respond" means to let the judge and the other side know whether you agree or disagree with the request for restraining order, and why. Responding in writing is optional and there is no penalty if you don't. If you need more time to prepare for your case, talk to a lawyer or self-help center staff before you file a response.

If you want to respond in writing, complete form [DV-120, Response to Request for Domestic Violence Restraining Order](#). After you complete the form, file it with the court. There is no court fee to file this form. Then "serve" the form on the person asking for the restraining order. "Serve" means to have someone 18 years old or older mail a copy to the person asking for the restraining order. You cannot be the one to mail your papers. The person who mails your form must fill out form [DV-250, Proof of Service by Mail](#). After form DV-250 is completed, file it with the court.

### Part 4: Get ready and go to your court hearing

Your court hearing is listed on form DV-109, *Notice of Court Hearing*. You have the option of attending your hearing in-person or remotely (by phone, or videoconference if available). For information on how to attend your hearing remotely, go to the court's website. Some courts may require advance notice. At the hearing, you and the other side will have the opportunity to tell your side of the story. For more information, read form [DV-520-INFO, Get Ready for the Restraining Order Court Hearing](#). If you need more time to prepare your case, you may ask the judge for a new court date. The judge will decide whether to grant your request. Read form [DV-115-INFO, How to Ask For a New Hearing Date](#), for more information. Note that if the judge does give you a new court date and if there is a temporary restraining order against you, the judge will usually extend the temporary restraining order until the next court date.



# DV-120-INFO How Can I Respond to a Request for Domestic Violence Restraining Order?

## Do I need a lawyer?

It's possible to go through this process without a lawyer. But having a restraining order against you may have a lot of consequences, and you may want to hire a lawyer. If you don't hire a lawyer, you can get free help from your court's self-help center.

## What if I was arrested or have criminal charges against me?

Anything you write in your court papers or say at a hearing for this case and for any criminal case can be used against you. Talk to a lawyer if you have any concerns about what you can do and say.

## What if I have more than one restraining order against me?

If the police are called to enforce the order, they will need to follow the rules of enforcement (see "Priority of Enforcement" listed on the back of form DV-110, DV-130, and CR-160). If you have questions about any of the orders against you, contact your local self-help center or talk to a lawyer. Find your local court's self-help center at [www.selfhelp.courts.ca.gov/find](http://www.selfhelp.courts.ca.gov/find).

## What if I need a restraining order against the other person?

Do not use form DV-120 to request a domestic violence restraining order. For information on how to file your own restraining order, read form [DV-505-INFO](#). You can also ask the court clerk about free or low-cost legal help.

## Can I use the restraining order to get divorced or end a 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.

## Where can I find a self-help center?

Free legal help is available at your court's self-help center. Find your local court's self-help center at [www.selfhelp.courts.ca.gov/find](http://www.selfhelp.courts.ca.gov/find). Self-help center staff will not act as your lawyer but may be able to give you information to help you decide what to do in your case, and help you with the forms. Staff may also refer you to other agencies who may be able to help you.

## Information about the court process is also available online

<https://selfhelp.courts.ca.gov/respond-to-DV-restraining-order>

## What if I am a victim or survivor of domestic violence?

The National Domestic Violence Hotline provides free and private safety tips. Help is available in over 100 languages. Visit online at [www.thehotline.org](http://www.thehotline.org) or call 1-800-799-7233; 1-800-787-3224 (TTY).

## What if I need an interpreter?

You may use form [INT-300](#) to request an interpreter or ask the clerk how you can request one.



## Request for Accommodations

You may use form [MC-410](#) to request assistance. Contact the disability/ADA coordinator at your local court for more information.



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 [www.courts.ca.gov/forms.htm](http://www.courts.ca.gov/forms.htm) for *Disability Accommodation Request* (form [MC-410](#)). (Civil Code section 54.8.)

# Response to Request for Domestic Violence Restraining Order

Clerk stamps date here when form is filed.

Use this form if someone has asked for a domestic violence restraining order against you, and you want to respond in writing. You will need a copy of form DV-100, *Request for Domestic Violence Restraining Order*, that was filled out by the person who asked for a restraining order against you. There is no cost to file this form with the court.

Do not use this form if you want to ask for your own restraining order. Read form [DV-500-INFO](#), *Can a Domestic Violence Restraining Order Help Me?* to find out more about this type of restraining order.

Fill in court name and street address:

## Superior Court of California, County of San Diego

- ☐ CENTRAL DIVISION, HALL OF JUSTICE,  
330 W. BROADWAY, SAN DIEGO, CA 92101
- ☐ EAST COUNTY DIVISION,  
250 E. MAIN ST., EL CAJON, CA 92020
- ☐ NORTH COUNTY DIVISION,  
325 S. MELROSE DR., VISTA, CA 92081
- ☐ SOUTH COUNTY DIVISION,  
500 3RD AVE., CHULA VISTA, CA 91910

Fill in case number:

Case Number:

### 1 Name of Person Asking for Protection:

(See form DV-100, item ①):

\_\_\_\_\_

### 2 Your Name:

#### ! Address where you can receive court papers

(This address will be used by the court and by the person in ① to send you official court dates, orders, and papers. For privacy, you may use another address like a post office box, a Safe at Home address, or another person's address, if you have their permission and can get your mail regularly. If you have a lawyer, give their information.)

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

#### ! Your contact information (optional)

(The court could use this information to contact you. If you don't want the person in ① to have this information, leave it blank or provide a safe phone number or email address. If you have a lawyer, give their information.)

Email Address: \_\_\_\_\_ Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

#### Your lawyer's information (if you have one)

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

### 3 Your Hearing Date (Court Date)



Your hearing date is listed on form DV-109, *Notice of Court Hearing*. If you do not agree to having a restraining order against you, attend your hearing date. If you do not attend your hearing, the judge could grant a restraining order that could last up to five years.

**This is not a Court Order.**



**How to complete this form:** To answer the questions below, look at the form DV-100 filled out by the person in ①. Tip: When the restraining order forms say "the person in ②" that means you, and the "person in ①" means the person who is asking for a restraining order against you.

**4 Information About You** (see item ② on form DV-100)

The person in ① listed your name, age, gender, and date of birth. If any of the information is incorrect, use the space below to give the correct information.

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**5 Your Relationship to the Person in ①**

In item ③ of form DV-100, has the person in ① correctly described your relationship with them?

☐ Yes ☐ No If no, what is your relationship with the person in ①?:

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**6 History of Court Cases and Restraining Orders** (see item ④ on form DV-100)

The person in ① may have listed other court cases or restraining orders involving you. If information is incorrect or missing, use the space below to give information.

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☐ Check here if you are including a copy of restraining order or court order that you want the judge to know about.

**7 Other Protected People**

If the judge grants a restraining order, it can include family or household members of the person in ①. See item ⑧ on form DV-100 to see if the person in ① is asking for other people to be protected by the restraining order.

- a. ☐ I agree to the order requested.  
b. ☐ I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: \_\_\_\_\_

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**8 Order to Not Abuse** (see item ⑩ on form DV-100)

- a. ☐ I agree to the order requested.  
b. ☐ I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: \_\_\_\_\_

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**This is not a Court Order.**



**9** ☐ **No-Contact Order** (see item 11 on form DV-100)

- a. ☐ I agree to the order requested.
- b. ☐ I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: \_\_\_\_\_

\_\_\_\_\_

**10** ☐ **Stay-Away Order** (see item 12 on form DV-100)

- a. ☐ I agree to the orders requested.
- b. ☐ I do not agree to the orders requested.

Explain why you disagree, or describe a different order that you would agree to: \_\_\_\_\_

\_\_\_\_\_

**11** ☐ **Order to Move Out** (see item 13 on form DV-100)

- a. ☐ I agree to the order requested.
- b. ☐ I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: \_\_\_\_\_

\_\_\_\_\_

**12** ☐ **Other Orders** (see item 14 on form DV-100)

- a. ☐ I agree to the order requested.
- b. ☐ I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: \_\_\_\_\_

\_\_\_\_\_

**13** ☐ **Child Custody and Visitation** (see item 15 on form DV-100 and DV-105)

- a. ☐ I am **not** the parent of the child listed in form DV-105, *Request for Child Custody and Visitation Orders*
- b. ☐ I am the parent of the child or children listed in form DV-105 (check one):

(1) ☐ I agree to the orders requested.

(2) ☐ I do not agree to the orders requested. (Complete form DV-125, *Response to Request for Child Custody and Visitation Orders*, and attach it to this form.)

**This is not a Court Order.**



**14** ☐ **Protect Animals** (see item 16 on form DV-100)

- a. ☐ I agree to the orders requested.
- b. ☐ I do not agree to the orders requested.

Explain why you disagree, or describe a different order that you would agree to: \_\_\_\_\_

\_\_\_\_\_

**15** ☐ **Control of Property** (see item 17 on form DV-100)

- a. ☐ I agree to the order requested.
- b. ☐ I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: \_\_\_\_\_

\_\_\_\_\_

**16** ☐ **Health and Other Insurance** (see item 18 on form DV-100)

- a. ☐ I agree to the order requested.
- b. ☐ I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: \_\_\_\_\_

\_\_\_\_\_

**17** ☐ **Record Communications** (see item 19 on form DV-100)

- a. ☐ I agree to the order requested.
- b. ☐ I do not agree to the order requested.

**18** ☐ **Property Restraint** (see item 20 on form DV-100)

- a. ☐ I agree to the order requested.
- b. ☐ I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: \_\_\_\_\_

\_\_\_\_\_

**19** ☐ **Pay Debt (Bills) Owed for Property** (see item 22 on form DV-100)

- a. ☐ I agree to the orders requested.
- b. ☐ I do not agree to the orders requested.

Explain why you disagree, or describe a different order that you would agree to: \_\_\_\_\_

\_\_\_\_\_

**This is not a Court Order.**



**20** ☐ **Pay Expenses Caused by the Abuse** (see item 23 on form DV-100)

- a. ☐ I agree to the order requested.
- b. ☐ I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: \_\_\_\_\_

\_\_\_\_\_

**21** ☐ **Child Support** (see item 24 on form DV-100)

- a. ☐ I agree to the order requested.
- b. ☐ I do not agree to the order requested.
- c. ☐ I agree to pay guideline child support. (Learn more about guideline child support at [www.courts.ca.gov/selfhelp-support.htm](http://www.courts.ca.gov/selfhelp-support.htm).)

**22** ☐ **Spousal Support** (see item 25 on form DV-100)

- a. ☐ I agree to the order requested.
- b. ☐ I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: \_\_\_\_\_

\_\_\_\_\_

**23** ☐ **Lawyer's Fees and Costs**

If the person in 1 checked item 26 on form DV-100, this means that they have asked the judge to order you to pay their lawyer's fees and costs. You may also ask for lawyer's fees and costs. The judge can order the person in 1 to pay for your lawyer's fees and cost if:

- (1) The person in 1's request for restraining order is denied;
- (2) The judge decides that the request was frivolous or was made only to abuse, intimidate, or cause unneeded delay; and
- (3) The person in 1 can afford to pay for your lawyer's fees and costs.

☐ Check here if you want the person in 1 to pay for some or all of your lawyer's fees and costs.

**This is not a Court Order.**

**24** ☐ **Batterer Intervention Program** (see item 27 on form DV-100)

- a. ☐ I agree to the order requested.
- b. ☐ I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: \_\_\_\_\_

\_\_\_\_\_

**25** ☐ **Transfer Wireless Phone Account** (see item 28 on form DV-100)

- a. ☐ I agree to the order requested.
- b. ☐ I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: \_\_\_\_\_

\_\_\_\_\_

**26** ☐ **Firearms (Guns), Firearm Parts, or Ammunition** (see item 29 on form DV-100)

If you were served with form DV-110, *Temporary Restraining Order*, you must follow the orders in 5 on form DV-110. You must file a receipt with the court from the law enforcement agency or a licensed gun dealer within 48 hours after you received form DV-110. You may use form [DV-800/JV-270](#), *Receipt for Firearms, Firearm Parts, and Ammunition*.

(Check all that apply):

- a. ☐ I do not own or have any prohibited items (firearms (guns), prohibited firearm parts, or ammunition).
- b. ☐ I have turned in all prohibited items that I have or own to law enforcement or sold/stored them with a licensed gun dealer. A copy of the receipt showing that I turned in, sold, or stored the prohibited items (check all that apply):
- ☐ is attached
- ☐ has already been filed with the court.
- c. ☐ I ask for an exception to carry a firearm for work only. (You will have to show the judge that your work requires you to have a firearm, and that your employer cannot reassign you to another position where a firearm is not needed. If you are a peace officer, there are additional requirements. Note: Even if the judge grants an exception under California law, you may be subject to federal prosecution for possessing or controlling a firearm.)

(Give details, like what your job is and why you need a firearm): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**This is not a Court Order.**





**30** ☐ **My Out-of-Pocket Expenses**

If the request for restraining order is denied by the judge at the court hearing, I ask the judge to order the person in **1** to pay my out-of-pocket expenses because the temporary restraining order was granted without enough supporting facts. The expenses are:

|            |                |                  |
|------------|----------------|------------------|
| For: _____ | Because: _____ | Amount: \$ _____ |
| For: _____ | Because: _____ | Amount: \$ _____ |
| For: _____ | Because: _____ | Amount: \$ _____ |

**31** **Additional Pages**

Number of pages attached to this form, if any: \_\_\_\_\_

**32** **Your Signature**

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 your name*

\_\_\_\_\_  
*Sign your name*

**33** **Your Lawyer's Signature** *(if you have one)*

Date: \_\_\_\_\_

\_\_\_\_\_  
*Lawyer's name*

\_\_\_\_\_  
*Lawyer's signature*

**Your Next Steps**

- Turn in your completed form with the court.
- If the person in **1** asked for child support, spousal support, or lawyer's fees, you must complete form [FL-150](#), *Income and Expense Declaration*. If the person in **1** is only asking for child support (item 24 on form DV-100), you may be eligible to fill out a simpler form, form [FL-155](#). Read form [DV-570](#) to see if you are eligible to fill out form FL-155. Before your court date, you must file form FL-150 or FL-155 with the court.
- Have someone else (not you) mail the person in **1** a copy of your forms, and complete form [DV-250](#), *Proof of Service by Mail*. File form DV-250 with the court. *(The person who mails this form must be at least 18 years old and cannot be you or someone protected on the restraining order.)*
- Prepare for your court date by gathering evidence or witnesses, if you have any. Learn more at <https://selfhelp.courts.ca.gov/respond-domestic-violence-restraining-order>. More information is also available on form [DV-120-INFO](#), *How Can I Respond to a Request for Domestic Violence Restraining Order?*

**This is not a Court Order.**

This form is attached to form DV-120.

**How to complete this form:** To answer the questions below, look at the form DV-105 filled out by the person in ①. Tip: Where form DV-105 refers to "person in ②," that means you. If you need more space to complete your answer, you can use a separate piece of paper and attach it to this form. Include a title at the top of the paper (example: DV-125, Custody of Children).

**① Person Asking for Protection** (see ① on form DV-105)

- a. Name: \_\_\_\_\_
- b. Relationship to children: ☐ Parent ☐ Legal Guardian ☐ Other (describe): \_\_\_\_\_

**② Your Information**

- a. Name: \_\_\_\_\_
- b. Relationship to children: ☐ Parent ☐ Legal Guardian ☐ Other (describe): \_\_\_\_\_

**③ Children** (see ③ on form DV-105)

- a. ☐ I am the parent of the child or children listed on form DV-105.
- b. ☐ I am **not** the parent of all the children listed on form DV-105.
- c. ☐ I am **not** the parent of the following children (list names): \_\_\_\_\_
- d. ☐ Other (describe): \_\_\_\_\_

**④ City and State Where Children Lived** (see ④ on form DV-105)

- a. ☐ I agree with the information given by the person in ①.
- b. ☐ I do not agree. (Use form DV-105(A) to list where the children have lived.)

**⑤ History of Court Cases Involving Children** (see ⑤ on form DV-105)

The person in ① may have listed other court cases involving your children. If information is incorrect or missing, use the space below to give information.

(Check all that apply. List where it was filed (city, state, or tribe), year it was filed, and case number, if known.)

- ☐ Custody or Divorce \_\_\_\_\_
- ☐ Criminal \_\_\_\_\_
- ☐ Juvenile Court (child welfare, juvenile justice) \_\_\_\_\_
- ☐ Guardianship \_\_\_\_\_
- ☐ Other (example: child support case) \_\_\_\_\_

(If a judge has already made a custody or visitation order for children in this case, attach a copy of the order if you have one.)

**This is not a Court Order.**

**6** ☐ **No Travel With Children Without Permission** (see **6** on form DV-105)a. ☐ I agree to the order requested.b. ☐ I do not agree to the order requested because: \_\_\_\_\_c. ☐ I would agree to a different order (describe the order you would agree to): \_\_\_\_\_**7** ☐ **Stop Access to Children's School, Health, and Other Information** (see **7** on form DV-105)a. ☐ I agree to the order requested.b. ☐ I do not agree to the order requested because: \_\_\_\_\_c. ☐ I would agree to a different order (describe the order you would agree to): \_\_\_\_\_**8** ☐ **Request for Orders to Prevent Child Abduction** (see **4**–**10** on form DV-108)a. ☐ I agree to the order requested.b. ☐ I do not agree to the order requested because: \_\_\_\_\_c. ☐ I would agree to a different order (describe the order you would agree to): \_\_\_\_\_**9** ☐ **Custody of Children** (see **9** on form DV-105)a. ☐ I agree to the order requested.b. ☐ I do not agree to the order requested because: \_\_\_\_\_c. ☐ I would agree to a different order:Legal Custody (The person that makes decisions about the child's health, education, and welfare.)  
(check one):☐ Sole to me☐ Sole to person in **1**☐ Jointly (shared) by persons in **1** and me.☐ Other (describe): \_\_\_\_\_Physical Custody (The person that the child regularly lives with.)  
(check one):☐ Sole to me☐ Sole to person in **1**☐ Jointly (shared) by persons in **1** and me.☐ Other (describe): \_\_\_\_\_**This is not a Court Order.**

**10** ☐ **Your Visitation (Parenting Time) with Children** (see pages 3–5 on form DV-105)a. ☐ I agree to the order requested.b. ☐ I do not agree to the order requested because: \_\_\_\_\_c. ☐ I would agree to a different order: \_\_\_\_\_

(Use the lines or chart below to describe the parenting time you want. Give as much detail as you can.)

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|  | Time                       | Person to bring children to<br>and from visit | Location of drop-off/pick-up |
|--|----------------------------|---|------------------------------|
| Monday   | Start:<br>End, if applies: |   |                              |
| Tuesday  | Start:<br>End, if applies: |   |                              |
| Wednesday  | Start:<br>End, if applies: |   |                              |
| Thursday   | Start:<br>End, if applies: |   |                              |
| Friday   | Start:<br>End, if applies: |   |                              |
| Saturday   | Start:<br>End, if applies: |   |                              |
| Sunday   | Start:<br>End, if applies: |   |                              |
| <b>Follow the schedule listed above (check one):</b><br><input type="checkbox"/> Every week <input type="checkbox"/> Every other week <input type="checkbox"/> Other _____ |                            |   |                              |
| <b>Start date for visits (month, day, year)</b> _____  |                            |   |                              |

**11** The statements made on this form are made under penalty of perjury as declared on form DV-120.**This is not a Court Order.**



**DV-105(A) City and State Where Children Lived**

Case Number: \_\_\_\_\_

This form is attached to (check one):

- ☐ DV-105 (For person in ①: Use this form if you have children that have not lived together for the last five years.)
- ☐ DV-125 (For person in ②: Use this form to list where your children have lived for the last five years.)

(Use the space below to list where the child or children have lived for the last five years. Start with their current location.)

Name of child or children: \_\_\_\_\_

| <u>Dates (month/year)</u>   |              | <u>City, State, and Tribal Land</u> | <u>Children lived with (check all that apply):</u> |                          |                          |
|---|--------------|-------------------------------------|--|--------------------------|--------------------------|
|   |              |                                     | <u>Me</u>  | <u>Person in ②</u>       | <u>Other*</u>            |
| From: _____   | To present   | _____                               | <input type="checkbox"/>                           | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Check here if you want to keep your current location private. List the state only. |              |                                     |  |                          |                          |
| From: _____   | Until: _____ | _____                               | <input type="checkbox"/>                           | <input type="checkbox"/> | <input type="checkbox"/> |
| From: _____   | Until: _____ | _____                               | <input type="checkbox"/>                           | <input type="checkbox"/> | <input type="checkbox"/> |
| From: _____   | Until: _____ | _____                               | <input type="checkbox"/>                           | <input type="checkbox"/> | <input type="checkbox"/> |
| From: _____   | Until: _____ | _____                               | <input type="checkbox"/>                           | <input type="checkbox"/> | <input type="checkbox"/> |
| From: _____   | Until: _____ | _____                               | <input type="checkbox"/>                           | <input type="checkbox"/> | <input type="checkbox"/> |
| Other* (relationship to child): _____   |              |                                     |  |                          |                          |

(Use the space below to list another child or children who have not lived with the child or children listed above. List where they have lived for the last five years. Start with their current location.)

Name of child or children: \_\_\_\_\_

| <u>Dates (month/year)</u>   |              | <u>City, State, and Tribal Land</u> | <u>Children lived with (check all that apply):</u> |                          |                          |
|---|--------------|-------------------------------------|--|--------------------------|--------------------------|
|   |              |                                     | <u>Me</u>  | <u>Person in ②</u>       | <u>Other*</u>            |
| From: _____   | To present   | _____                               | <input type="checkbox"/>                           | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Check here if you want to keep your current location private. List the state only. |              |                                     |  |                          |                          |
| From: _____   | Until: _____ | _____                               | <input type="checkbox"/>                           | <input type="checkbox"/> | <input type="checkbox"/> |
| From: _____   | Until: _____ | _____                               | <input type="checkbox"/>                           | <input type="checkbox"/> | <input type="checkbox"/> |
| From: _____   | Until: _____ | _____                               | <input type="checkbox"/>                           | <input type="checkbox"/> | <input type="checkbox"/> |
| From: _____   | Until: _____ | _____                               | <input type="checkbox"/>                           | <input type="checkbox"/> | <input type="checkbox"/> |
| From: _____   | Until: _____ | _____                               | <input type="checkbox"/>                           | <input type="checkbox"/> | <input type="checkbox"/> |
| Other* (relationship to child): _____   |              |                                     |  |                          |                          |

- ☐ Check here to list other children with a different residence history than the children you've already listed. Use another form DV-105(A) and attach it to this form.

**This is not a Court Order.**

## 1 You may need to ask for a new court date if:

- You are the **protected party** and are unable to have form [DV-109](#), *Notice of Court Hearing*, and other papers served in time before your court date.
- You are the **restrained party** and it is your first time asking the court to reschedule your court date.
- You have a good reason for needing a new court date (the court may grant your request to reschedule your court date on a showing of “good cause”).

## 2 What does form DV-115 do?

Use form [DV-115](#) to ask the court to reschedule your court date. If your court date is rescheduled and a *Temporary Restraining Order* (form [DV-110](#)) was granted, that order will be extended until the end of your new court date, unless the court decides to modify or terminate it. “Extend” means to keep any temporary orders in effect until the new court date.

## 3 Follow these steps:

- Fill out all of form [DV-115](#).
- Fill out items ① through ② on form [DV-116](#), *Order on Request to Continue Hearing*.
- The judge will need to review your papers. In some courts, you must give your papers to the clerk. Ask the court clerk for information on how you ask the judge to review your papers.
- After you turn in your forms as required by your local court, check with the clerk’s office to see if the judge approved (granted) your request to reschedule your court date.
- If the judge signed form [DV-116](#), you will have a new court date. If the judge did NOT sign the form, you should go to court at the date, time, and location that is on form [DV-109](#).
- Next, file both forms [DV-115](#) and [DV-116](#) with the clerk. The clerk will make up to three file-stamped copies for you. Keep at least one copy to bring to your court date.
- The other party must be served a copy of the court papers as described in item ⑥ on form [DV-116](#).
- Ask the person who serves the papers to complete a proof of service form and give it to you. If service was in person, use form [DV-200](#), *Proof of Personal Service*. If service was by mail, use form [DV-250](#), *Proof of Service by Mail*. Make two copies of the completed forms.
- File the completed and signed proof of service form with the clerk’s office before your court date.
- If the court reschedules your court date and extends the expiration date of the temporary restraining order to the end of your new court date, the clerk will send the restraining order to law enforcement or CLETS for you. CLETS is a statewide computer system that lets police know about the order.

## 4 Go to your court date

- Take at least two copies of your documents and filed forms to your court date. Include a copy of the filed proof of service form. Your documents may include exhibits, declarations, and financial statements, and the court may enter them into evidence at its discretion.
- If the protected party does not go to the court date, the temporary domestic violence restraining orders will expire on the date and time of the court date. If the restrained party does not go to the court date, the court can still make orders against them that can last for up to five years.

## 5 Need help?

Ask the court clerk about free or low-cost legal help. For a referral to a local domestic violence or legal assistance program, call the [National Domestic Violence Hotline](#): 1-800-799-7233 (TDD: 1-800-787-3224). It’s free and private. They can help you in more than 100 languages.

|                      |                      |
|----------------------|----------------------|
| SHORT TITLE:<br><br> | CASE NUMBER:<br><br> |
|----------------------|----------------------|

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(Required for verified pleading) The items on this page stated on information and belief are (specify item numbers, **not** line numbers):

This page may be used with any Judicial Council form or any other paper filed with the court.

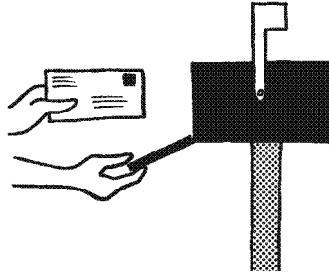
Page \_\_\_\_\_

Clerk stamps date here when form is filed.

**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 over.
- Not be listed in items **1** or **2** or **3** of form DV-100, *Request for Domestic Violence Restraining Order*.
- Mail a copy of all documents checked in **4** to the person in **5**.



Fill in court name and street address:

**Superior Court of California, County of San Diego**

- ☐ CENTRAL DIVISION, CENTRAL COURTHOUSE,  
1100 UNION ST., SAN DIEGO, CA 92101
- ☐ EAST COUNTY DIVISION,  
250 E. MAIN ST., EL CAJON, CA 92020
- ☐ NORTH COUNTY DIVISION,  
325 S. MELROSE DR., VISTA, CA 92081
- ☐ SOUTH COUNTY DIVISION,  
500 3RD AVE., CHULA VISTA, CA 91910

Fill in case number:

**Case Number:** \_\_\_\_\_**4** I (the server) am 18 years of age or over and live in or am employed in the county where the mailing took place. I mailed a copy of all documents checked below to the person in **5**:

- a. ☐ DV-112, *Waiver of Hearing on Denied Request for Temporary Restraining Order*
- b. ☐ DV-120, *Response to Request for Domestic Violence Restraining Order*
- c. ☐ FL-150, *Income and Expense Declaration*
- d. ☐ FL-155, *Simplified Financial Statement*
- e. ☐ DV-130, *Restraining Order After Hearing (Order of Protection)*
- f. ☐ Other (*specify*): \_\_\_\_\_

**Note: You cannot serve DV-100, DV-105, DV-109, or DV-110 by mail.****5** I placed copies of the documents checked above in a sealed envelope and mailed them as described below:

- a. Name of person served: \_\_\_\_\_
- b. To this address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_
- c. Mailed on (*date*): \_\_\_\_\_
- d. Mailed from: City: \_\_\_\_\_ State: \_\_\_\_\_

**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



# SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

## HOW TO TURN IN FIREARMS, FIREARM PARTS, AND AMMUNITION

If the court issues a restraining or protective order against you, you are prohibited from owning, possessing, or buying firearms, firearm parts, and ammunition ("Prohibited Items"). **You must act quickly.** Upon request from law enforcement, you must immediately surrender your Prohibited Items. Otherwise, you have **24 hours** from the time you received the court's order to turn in ("relinquish") your Prohibited Items and **48 hours** from the time you received the court's order to file proof with the court. Do not bring your Prohibited Items to the courthouse.

### Options for Relinquishing Prohibited Items

#### Option 1: Sell them to, or store them with, a federally licensed gun dealer

You can find a gun dealer in your area by searching online. Make sure the dealer you choose is federally licensed.

#### Option 2: Turn them in to a local law enforcement agency

Call the San Diego County Sheriff's Office or the police department where you live. Tell them a restraining or protective order was issued against you and you need to turn in your Prohibited Items. Listen to and follow carefully the instructions given to you by law enforcement. They may ask you for: (1) a description of you and your car, (2) your ID, and (3) a copy of the court order requiring relinquishment. They may share with you the following general safety instructions:

- Your firearm(s) must be unloaded.
- Place the Prohibited Items in the trunk of your car and lock your trunk. If you do not have a trunk, lock your firearm in a container and put it in the back of your vehicle out of arm's reach. Do not put it in your glove compartment. (Pen. Code, § 16850)
- Drive straight to the law enforcement agency. Do not stop anywhere else.
- Call the agency when you get there. They will tell you what to do. If you do not have a cell phone, leave the firearm inside of your car and go inside of the agency office and ask for instructions.

***Do not call 911. Use the local law enforcement non-emergency numbers below:***

|                            |  |
|----------------------------|--|
| Carlsbad Police Dept.      | (442) 339-2197                           |
| Chula Vista Police Dept.   | (619) 691-5151                           |
| Coronado Police Dept.      | (619) 522-7350                           |
| El Cajon Police Dept.      | (619) 579-3311                           |
| Escondido Police Dept.     | (760) 839-4722, or<br>(760) 839-4740, #2 |
| La Mesa Police Dept.       | (619) 667-1400                           |
| National City Police Dept. | (619) 336-4411                           |
| Oceanside Police Dept.     | (760) 435-4900                           |
| San Diego Police Dept.     | (619) 531-2000, or<br>(858) 484-3154     |
| San Diego Sheriff's Office | (858) 868-3200                           |

### How to File Proof with the Court

You have 48 hours from the time you received the restraining order to file proof of relinquishment with the court. You can use JC Form #CH/DV/EA/GV/SV/WV-800 for this purpose. Bring it with you to the gun dealer or law enforcement agency and ask them to complete the relevant portions. Or obtain a receipt from the agency or dealer.

Bring the original and one copy of JC Form #CH/DV/EA/GV/SV/WV-800 or your receipt to the courthouse where the order was issued. The clerk will file the original, stamp your copy, and return the stamped copy to you for your records.

### Questions?

JC Form #CH/DV/EA/GV/SV/WV-800-INFO provides answers to frequently asked questions about firearm relinquishment.

**What do I need to turn in, sell, or store?**

You must turn in, sell, or store all of the following prohibited items that you have or own:

- Firearms, including any handgun, rifle, shotgun, and assault weapon;
- Firearm parts, includes receivers, frames, and any item that may be used as or easily turned into a receiver or frame (also called “ghost guns”); and
- Ammunition, including bullets, shells, cartridges, and clips.

**How do I properly turn in, sell, or store the prohibited items?**

You must take them to:

- Law enforcement, who will accept all prohibited items for safekeeping or to destroy,  
or
- A licensed gun dealer, who can buy or store your firearms. If you have firearm parts or ammunition, call ahead for more information.

**When do I turn in, sell, or store prohibited items?**

Immediately, if law enforcement asks you to.  
Otherwise, within 24 hours of being served, or told by a judge to do so.

**Can I give my prohibited items to family or friends?**

No, only to law enforcement or a licensed gun dealer.  
You cannot give your prohibited items to a family member, friend, or anyone else.

**Do I have to pay a fee to store prohibited items?**

You may have to pay a fee. Contact law enforcement or a licensed gun dealer about fees and whether they have space to store your items.

**How do I take prohibited items to law enforcement?**

Call your local law enforcement agency to ask about their procedures. They will give you specific instructions, like making sure your firearms are unloaded and in the trunk of the car. Take a copy of the restraining order with you. **Do not** bring your firearms to court.

**If I turn in my firearms to law enforcement, how long will they keep them?**

It depends. There are procedures for getting your firearms back after a restraining order expires. Ask the law enforcement agency.

**After I give my firearms to law enforcement, can I change my mind?**

Yes. You are allowed to make one sale through a licensed gun dealer. To do this, a licensed gun dealer must present a bill of sale to your local law enforcement agency. The law enforcement agency will give the licensed gun dealer the firearms you are selling.

**How do I prove to the judge that I have complied with (obeyed) the orders?**

- ① Bring a copy of form DV-800/JV-270, *Receipt for Firearms, Firearm Parts, and Ammunition*, with you, and ask the dealer or officer to complete and sign the form.
- ② File form DV-800/JV-270 with the court. Make sure you get two copies. All receipts must be filed with the court within 48 hours from the time you were served with the restraining order, unless the judge gave you another deadline.



**Do I need to bring a copy of the  
receipt to anyone besides the judge?**

Yes, if:

- ▶ Law enforcement served you with the restraining order, you must give them a copy of your receipt (example: form DV-800/JV-270). If you don't know who served you with the restraining order, ask the court clerk for a copy of the proof of service form for the restraining order. The law enforcement agency is listed on that form.
- ▶ You did not obey the order when you were supposed to, and the court notified law enforcement or a prosecuting attorney. (Tip: Look at forms DV-110, DV-130, or DV-820 to see if the court notified another agency. If the court did, give a copy of the receipt to the agencies listed on any of the forms).

**Where can I find free help?**

Free legal help is available at your court's self-help center. Find your local court's self-help center at [www.selfhelp.courts.ca.gov/find](http://www.selfhelp.courts.ca.gov/find). Self-help center staff will not act as your lawyer but may be able to give you information to help you decide what to do in your case, and help you with the forms. Staff may also refer you to other agencies who may be able to help you.

**More information on how to obey these  
orders is available online**

<https://selfhelp.courts.ca.gov/respond-to-DV-restraining-order/obey-firearms-orders>.



**1 Person Asking For Protection:**

Name: \_\_\_\_\_

**2 Your Information (Restrained Person)**

a. Your Name: \_\_\_\_\_

b. Your Address \_\_\_\_\_

(This address could be used by the court and by the person in ① to send you official court dates, orders, and papers. For privacy, you may use another address like a post office box, or another person's address, if you have their permission and can get your mail regularly. If you have a lawyer, give their information.)

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

c. Your Lawyer (if you have one for this case):

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of San Diego**

- ☐ CENTRAL DIVISION, CENTRAL COURTHOUSE,  
1100 UNION ST., SAN DIEGO, CA 92101
- ☐ EAST COUNTY DIVISION,  
250 E. MAIN ST., EL CAJON, CA 92020
- ☐ NORTH COUNTY DIVISION,  
325 S. MELROSE DR., VISTA, CA 92081
- ☐ SOUTH COUNTY DIVISION,  
500 3RD AVE., CHULA VISTA, CA 91910

Court fills in case number when form is filed.

**Case Number:****3 To the Restrained Person:**

If a judge has ordered you to turn in, sell, or store your firearms (guns), firearm parts, and ammunition, use this form to prove to the judge that you have obeyed their orders. Take this form to a law enforcement officer or a licensed gun dealer to complete ④ or ⑤. For more information on how to properly turn in your items, read form DV-800-INFO/JV-270-INFO, *How Do I Turn In, Sell, or Store My Firearms, Firearm Parts, and Ammunition?*

**4 To Law Enforcement**

(Complete the section below. Keep a copy and give the original to the person in ②.)

Name of Law Enforcement Agency: \_\_\_\_\_

Name of Law Enforcement Agent: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone number: \_\_\_\_\_ Email address: \_\_\_\_\_

**Items Surrendered**

a. Firearms, firearm parts, and ammunition transferred on:

Date: \_\_\_\_\_ Time: \_\_\_\_\_ ☐ a.m. ☐ p.m.

b. List of items. (List all the items surrendered by the person in ②. You may attach a separate form from your agency (e.g., a property report), use ⑥, or both.) Check below if you have attached a separate form:

☐ Separate form is attached. (If it does not include all surrendered items, list additional items in ⑥.)

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

► Signature of law enforcement agent \_\_\_\_\_



5

**To Licensed Gun Dealer**

(Complete the section below. Keep a copy and give the original to the person in (2).)

Name of Licensed Gun Dealer: \_\_\_\_\_

License number: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone number: \_\_\_\_\_ Email address: \_\_\_\_\_

**Items Stored or Sold**

a. Firearms, firearm parts, and ammunition transferred on:

Date: \_\_\_\_\_ Time: \_\_\_\_\_ ☐ a.m. ☐ p.m.

b. List of items. (List all the items surrendered by the person in (2). You may attach a separate form (e.g., DOJ's Report of Firearm Acquisition), use (6), or both.) Check below if you have attached a separate form:

☐ Separate form is attached. (If it does not include all surrendered items, list additional items in (6).)

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



Signature of licensed gun dealer \_\_\_\_\_

6

☐ **List of Items Surrendered**

a. Firearms and firearm parts

|     | Make  | Model | Serial Number,<br>if there is one | Sold                     | Stored                   | To be<br>destroyed       |
|-----|-------|-------|-----------------------------------|--------------------------|--------------------------|--------------------------|
| (1) | _____ | _____ | _____                             | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (2) | _____ | _____ | _____                             | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (3) | _____ | _____ | _____                             | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (4) | _____ | _____ | _____                             | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (5) | _____ | _____ | _____                             | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (6) | _____ | _____ | _____                             | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

b. Ammunition

|     | Brand | Type  | Amount | Sold                     | Stored                   | To be<br>destroyed       |
|-----|-------|-------|--------|--------------------------|--------------------------|--------------------------|
| (1) | _____ | _____ | _____  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (2) | _____ | _____ | _____  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (3) | _____ | _____ | _____  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (4) | _____ | _____ | _____  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (5) | _____ | _____ | _____  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (6) | _____ | _____ | _____  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

☐ Check here if there is not enough space above for your answer. Use a separate sheet of paper to list other items and attach it to this form. Use "DV-800/JV-270, List of Surrendered Items" as a title.

**7 To the Restrained Person:**

**Besides the items listed on page 2 or in an attached form, do you have or own any other firearms (guns), firearm parts, or ammunition?**

☐ No

☐ Yes *(If yes, check one of the boxes below:)*

- a. ☐ I filed a *Receipt for Firearms, Firearm Parts, and Ammunition* (form DV-800/JV-270) or other proof for those items with the court on *(date)*: \_\_\_\_\_
- b. ☐ I am filing the proof for those firearms (guns), firearm parts, or ammunition along with this proof.
- c. ☐ I have not yet filed the proof for the other firearms (guns), firearm parts, or ammunition. *(Explain why not):*

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**Your signature**

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 your name*



\_\_\_\_\_  
*Sign your name*

**Your Next Steps**

- After the form is complete, make two additional copies. Take the copies and original to the court clerk to file.
- If law enforcement served you with the restraining order, give a copy to the law enforcement agency that served you with the restraining order.
- Keep a copy for yourself.

**Note that failure to file a receipt with the court and with the law enforcement agency is a violation of the judge's order.**