

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): ADDRESS WHERE YOU WANT MAIL SENT: TELEPHONE NO. (Optional): _____ FAX NO. (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PERSON SEEKING ORDER: PERSON TO BE RESTRAINED:	
TYPE OF ACTION (check all that apply) <input type="checkbox"/> DISSOLUTION/LEGAL SEPARATION/NULLITY <input type="checkbox"/> UNIFORM PARENTAGE ACT <input type="checkbox"/> DOMESTIC VIOLENCE PREVENTION ACT <input type="checkbox"/> DISTRICT ATTORNEY FAMILY SUPPORT <input type="checkbox"/> JUVENILE <input type="checkbox"/> OTHER (specify): _____	
ORDER TO SHOW CAUSE AND TEMPORARY RESTRAINING ORDER (CLETS) (Domestic Violence Prevention)	CASE NUMBER: _____

THIS ORDER SHALL EXPIRE AT THE DATE AND TIME OF THE HEARING SHOWN IN THE BOX BELOW UNLESS EXTENDED BY THE COURT.

1. To (name of person to be restrained):
2. **A court hearing has been set at the time and place indicated below. You may attend this hearing, with or without an attorney, to give any legal reason why the orders requested in the attached application should not be granted. If you do not appear at this court hearing, the court may grant the requested orders for up to three years without further notice to you.**

Date:	Time:	Dept.:	Room:
-------	-------	--------	-------

3. If child custody or visitation is an issue in this motion and in dispute, the parties are *ordered* to attend orientation and mandatory custody mediation services as follows:

Date: _____

SIGNATURE OF JUDICIAL OFFICER

TEMPORARY RESTRAINING ORDER

THE COURT FINDS:

4. a. The restrained person is (name):

Sex: <input type="checkbox"/> M <input type="checkbox"/> F Ht.: ____ Wt.: ____ Hair color: ____ Eye color: ____ Race: ____ Age: ____ Birth date: _____
--

b. The protected person(s) are (list names of **all persons** to be protected by this order):

UNTIL THE TIME OF HEARING, IT IS ORDERED:

5. **RESTRAINING ORDERS** The restrained person
 - a. shall not contact, molest, harass, attack, strike, threaten, sexually assault, batter, telephone, send any messages to, follow, stalk, destroy the personal property of, disturb the peace of, keep under surveillance, or block movements in public places or thoroughfares of:
 - the person seeking the order the other protected persons listed in item 4b

(Orders continued on reverse)

PERSON SEEKING ORDER (name): _____ PERSON TO BE RESTRAINED (name): _____	CASE NUMBER: _____
---	-----------------------

5. b. must immediately move from (address):

and take only personal clothing and effects needed until the hearing.

c. The restrained person shall stay at least (**specify**): _____ yards away from the following persons and places.
 (Addresses not required.)

- (1) Person seeking the order
- (2) The other protected persons listed in item 4b
- (3) Residence of person seeking the order
- (4) Place of work of person seeking the order
- (5) The children's school or place of child care
- (6) Protected person's vehicle (*specify*):
- (7) Other (*specify*):

d. except for peaceful contacts related to court ordered visitation of the minor children.

6. **CUSTODY AND VISITATION ORDERS ARE SET FORTH IN *CHILD CUSTODY AND VISITATION ORDER ATTACHMENT (FORM 1296.31A)*.**

7. **FIREARM RESTRICTION**

The restrained person is ordered to give up any firearm in or subject to his or her immediate possession or control within

- 24 hours after issuance of this order
- 48 hours after service of this order
- other (*specify*):

Any firearms should be surrendered to the control of local law enforcement. **The restrained person shall file a receipt with the court showing compliance with this order within 72 hours of receiving this order.**

8. **PROPERTY CONTROL**

a. The protected person is given exclusive temporary use, control, and possession of the following property pending the hearing:

b. The restrained person is ordered to make the following payments while the order is in effect:

<u>Debt</u>	<u>Amount of payment</u>	<u>Pay to</u>	<u>Due date</u>

c. The protected person The restrained person is restrained from transferring, borrowing against, selling, hiding, or in any way disposing of any real or personal property, whether community, quasi-community, or separate, except in the ordinary course of business or for the necessities of life.

d. The protected person The restrained person shall notify the other of any proposed extraordinary expenditures and shall account to the court for all extraordinary expenditures.

9. **OTHER ORDERS** (*specify*):

(Continued on page three)

PERSON SEEKING ORDER (name):	CASE NUMBER:
PERSON TO BE RESTRAINED (name):	

10. **LAW ENFORCEMENT**

A copy of this order and any proof of service shall be given to the law enforcement agencies listed below as follows:

- a. Protected person shall deliver.
- b. Protected person's attorney shall deliver.
- c. The clerk of the court shall deliver.

Law enforcement agency

Address

District Attorney's office (Family Support Division)

(NOTE: All statewide restraining orders are entered in the state registry and must be delivered immediately to the law enforcement agencies.)

11. Fees for service of this order by law enforcement are waived.

12. Application for an order shortening time is granted, and the following documents shall be personally served on the restrained person no fewer than (specify number): _____ days before the time set for hearing. A responsive declaration shall be filed and served no fewer than (specify number): _____ days before the time set for hearing.

- a. Application and Declaration for Order (Domestic Violence Prevention) (form DV-100)
- b. Order to Show Cause and Temporary Restraining Order (CLETS) (Domestic Violence Prevention) (form DV-110)
- c. Blank Responsive Declaration to Order to Show Cause (Domestic Violence Prevention) (form DV-120)
- d. Child Custody and Visitation Order (form 1296.31A)
- e. Financial Statement (Simplified) (form 1285.52) or Income and Expense Declaration (forms 1285.50, 1285.50a, 1285.50b, and 1285.50c)
- f. Declaration Under Uniform Child Custody Jurisdiction Act (UCCJA) (form MC-150)
- g. Child Custody, Visitation, and Support Attachment to Application and Declaration for Order (Domestic Violence Prevention) (form DV-100A)
- h. Other (specify): _____

NOTICE REGARDING NON-APPEARANCE AT HEARING

IF YOU HAVE BEEN PERSONALLY SERVED WITH A TEMPORARY RESTRAINING ORDER AND NOTICE OF HEARING, BUT YOU DO NOT APPEAR AT THE HEARING EITHER IN PERSON OR BY COUNSEL, AND A RESTRAINING ORDER IS ISSUED AT THE HEARING WHICH DOES NOT DIFFER FROM THE PRIOR TEMPORARY RESTRAINING ORDER, A COPY OF THE ORDER WILL BE SERVED UPON YOU BY MAIL AT THE FOLLOWING ADDRESS:

IF THAT ADDRESS IS NOT CORRECT OR YOU WISH TO VERIFY THAT THE TEMPORARY ORDER WAS MADE PERMANENT WITHOUT SUBSTANTIVE CHANGE, CONTACT THE CLERK OF THE COURT.

Date:

SIGNATURE OF JUDICIAL OFFICER

CERTIFICATE OF COMPLIANCE WITH VAWA This ex parte/temporary protective order meets all Full Faith and Credit requirements of the Violence Against Women Act, 18 U.S.C. 2265 (1994) (VAWA). This court has jurisdiction over the parties and the subject matter; the restrained person has been afforded notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. This order is valid and entitled to enforcement in this and all other jurisdictions.

PLEASE REVIEW IMPORTANT NOTICES AND WARNINGS ON THIS PAGE AND ON PAGE FOUR.

(Continued on reverse)

PERSON SEEKING ORDER (name):	CASE NUMBER:
PERSON TO BE RESTRAINED (name):	

WHAT FORMS YOU SHOULD FILE IN RESPONSE AND WHEN TO FILE THEM

You do not have to pay any fee to file responsive declarations in response to this *Order to Show Cause* (including a completed *Income and Expense Declaration* or *Financial Statement (Simplified)* that will show your finances). The original of the *Responsive Declaration* must be filed with the court and a copy served on the other party at least five court days before the hearing date (unless the judge has shortened time, see item 12 above in this *Order to Show Cause and Temporary Restraining Order*).

NOTICE REGARDING CHILD SUPPORT

If you have children from this relationship, the court is required to order payment of child support based on the income of both parents. The amount of child support may be large and normally continues until the child is 18. You should supply the court with information about your finances. Otherwise the child support order will be made without your input.

NOTICE REGARDING ENFORCEMENT OF THIS ORDER

This order is effective when made. It is enforceable anywhere in California by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS). If proof of service on the restrained person has not been received, and the restrained person was not present at the court hearing, the law enforcement agency shall advise the restrained person of the terms of the order and then shall enforce it.

Violation of this restraining order may be punished as a contempt of court, a misdemeanor, punishable by one year in jail or a \$1000 fine, or both, or a felony. Taking or concealing a child in violation of this order may be a felony and punishable by confinement in state prison, a fine, or both.

This order is enforceable in all 50 states, the District of Columbia, all tribal lands, and all U.S. territories and shall be enforced as if it were an order of that jurisdiction. Violations of this order are subject to state and federal criminal penalties.

If you travel across state or tribal boundaries with the intent to violate the order (including committing a crime of violence causing bodily injury), you may be convicted of a federal offense under VAWA (section 2261(a)(1)). You may also be convicted of a federal offense if you cause the protected person to cross a state or tribal boundary for this purpose (section 2262(a)(2)).

NOTICE REGARDING FIREARMS

Any person subject to a restraining order is prohibited from purchasing or attempting to purchase, receiving or attempting to receive, or otherwise obtaining a firearm. Such conduct is subject to a \$1,000 fine and imprisonment. At the hearing on this matter, the court has authority to order that the person subject to these orders relinquish any firearms and not own or possess any firearms during the period of the restraining order. If restraining orders are issued, the restrained person may not be able to possess a firearm. Under federal law, the issuance of a restraining order after hearing will generally prohibit the restrained person from owning, accepting, transporting, or possessing firearms or ammunition. A violation of this prohibition is a separate federal crime.

CLERK'S CERTIFICATE

[SEAL] I certify that the foregoing *Order to Show Cause and Temporary Restraining Order (CLETS)* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy