

## What is a Domestic Violence Restraining Order?

A domestic violence restraining order is an order that helps protect you from someone with whom you have a close relationship and who is abusive. It may contain orders telling that person what they cannot do to you. It may also have orders that tell that person to stay a certain distance away from you.

## Who can I file a Domestic Violence Restraining Order against?

You may request a Domestic Violence Restraining Order, against your spouse or former spouse; person you are dating, or person you have dated; lover; mother or father of your child; anyone closely related to you by blood, marriage or adoption (example: mother, father, child, brother, sister, grandparent); or person who regularly lives in your home.

## If we have children can the restraining order include custody orders?

If you and the other party have children together the court may make a Parenting Plan part of its orders.

## Assistance completing Domestic Violence Restraining Order Forms

The Self Help Center offers help to people without an attorney with the process to apply for a Domestic Violence Restraining Order. If you need an interpreter, you may use a family member or friend. No appointment is necessary.

## What forms do I need to get the order?

You must fill out the following forms:

- *Request for Domestic Violence Restraining Order* (form DV-100);
- *Confidential CLETS Information* (form CLETS-001)
- *Notice of Court Hearing* (form DV-109), items 1 and 2 only; and
- *Temporary Restraining Order* (form DV-110), items 1 and 2 only.
- *Restraining Order After Hearing* (form DV-130), items 1 and 2 only.

## Where do I file my forms?

Present completed forms to the Civil Front Counter - Window of the Del Norte Superior Court, 450 H Street, Crescent City, CA 95531. The hours of operation are 8:00 a.m. to 4:30 p.m., Monday through Friday.

One (1) original and two (2) copy of all documents are required at the time of filing.

You may also email the completed forms to [DVG@delnorte.courts.ca.gov](mailto:DVG@delnorte.courts.ca.gov). If you email the forms, you will only need One (1) original.

# What if I have been granted a Tribal Court Domestic Violence Restraining Order?

Both VAWA and California law mandate full faith and credit for Tribal Court Domestic Violence Restraining Orders issued by tribal courts in accordance with VAWA requirements (18 U.S.C. § 2265; Cal. Fam. Code §§ 6400-6409). Under these laws, a protective order issued by a tribal court is entitled to full faith and credit and enforcement and does not need to be registered in California. However, to ensure law enforcement has access to Tribal Court Domestic Violence Restraining Orders, Del Norte Superior Court has established a process for registration of these orders.

Once you have been granted a Tribal Court Domestic Violence Restraining Order, this order may be registered with the Del Norte Superior Court by completing a DV-600 form. Please work with your tribal court to ensure this step is completed.

You *may* present completed forms to the Civil Front Counter - Window of the Del Norte Superior Court, [450 H Street, Crescent City, CA 95531](#). The hours of operation are 8:00 a.m. to 4:30 p.m., Monday through Friday or email the completed forms to [DVGv@delnorte.courts.ca.gov](mailto:DVGv@delnorte.courts.ca.gov).

## What if I need an interpreter?

If you will need an interpreter at your restraining order hearing, indicate on your paperwork when you file your restraining order forms so that one can be arranged for you.

## When will I get my order?

Your Order should be ready for pick-up within 24 hours of filing your forms. The Order/forms will be returned to you at the Civil Front Counter – 450 H Street, Room 209, Crescent City, CA 95531. In most cases, a hearing will be set within 21 days for you and the other party. You must personally pick up your Order/forms even if you emailed your original request.

It is the responsibility of the petitioner to pick up the forms and have the respondent personally served no later than five (5) days prior to the scheduled hearing date. Proof of service for the respondent must be filed with the court prior to or at the time of the Gun Violence Restraining Order hearing.

## How do I get the other party served?

Anyone over the age of 18 who is not a protected party on your restraining order can serve the documents for you. This can be a friend or family member or you can pay a process server. If you do not have a friend or family member who can serve the restrained party and you cannot afford to pay a process server, if the restrained party lives or works in Del Norte County, the Del Norte Sheriff can serve the documents for you. They are located at 650 5<sup>th</sup> Street, Crescent City, CA 95531. If the person to be served lives and works outside of Del Norte County, you may contact the Sheriff of that county for help. Be sure to contact them promptly so they will have enough time to serve the respondent before the scheduled hearing date.

## What if I can't get the restraining order served in time for the hearing or I need a continuance?

You can continue the hearing. There are two ways to continue your court date on your domestic violence case. If you have been unable to serve the defendant, you will need to complete a *Request to Continue Hearing (Temporary Restraining Order)* (form DV-115). The forms must be completed and filed along with a copy of your original Notice of Court Hearing, by 10:30 a.m. on the day before your scheduled hearing.

You may also orally request a continuance in court during your hearing. If your request for continuance is granted, the Judge will accept the *Order on Request to Continue Hearing* (form DV-116) in court from you setting a new hearing date.

Both methods extend your Temporary Restraining Order so you will be protected until the new hearing date.