

## How to file for a Domestic Violence Restraining Order Request (with minor children)



### Step 1: Fill out court forms (For free forms online and additional info, visit [www.courts.ca.gov](http://www.courts.ca.gov))

- **Request for Domestic Violence Restraining Orders (DV-100)** (fill out the entire form)
- **Request for Custody and Visitation Orders (DV-105)** (fill out and attach to the DV-100)
- **Notice of Court Hearing (DV-109)** (fill out items #1-2 only)
- **Temporary Restraining Order (DV-110)** (fill out items #1-3 only)
- **Child Custody and Visitation Orders (DV-140)** (fill out items #1-3 and attach to the DV-110)
- **Confidential CLETS Information (CLETS-001)** (fill out the entire form)
  - For more space to describe each incident: Include **Description of Abuse (DV-101)** or **Attachment (MC-025)**
  - Attach other documents to support your request for protection e.g. Emergency Protective Order (EPO), police reports, medical reports, or photos of injuries or damage to property, threats made by text messages etc. *Redact any confidential information on your attachments.*
- **Income and Expense Declaration (FL-150)** (fill out the entire form **only** if you are also requesting child support or spousal/partner support)

### Step 2: Make copies of your forms (Remember to copy both sides of each document)

- Make 3 copies of **Request for Domestic Violence Restraining Orders (DV-100)** including all attachments.
  - *You do not need to make copies of: DV-109; DV-110; and CLETS-001. Submit your original copies only.*
- If you are requesting child support or spousal/partner support, make 3 copies of **Income and Expense Declaration (FL-150)**.

### Step 3: File your completed paperwork at the Civic Center Courthouse at 400 McAllister Street, Family Law Clerk's Office in Room 402

- Room 402 Family Law Clerk's Office is located on the 4<sup>th</sup> floor and is open Monday-Friday, from 8:30 a.m. to 12:30 p.m. If you file after 12:30 p.m., there is a drop-box available outside of Room 402. You may include a self-addressed stamped envelope if you would like the clerk to mail you your endorsed filed paperwork. Make sure there are sufficient stamps to mail the paperwork back to you.
- In the courthouse lobby, there is a family law drop-box available to submit paperwork between 8:30 a.m. to 4:00 p.m.
- The clerk will file your **Request (DV-100)** and will give you a copy of your **Request (DV-100)**. Completed copies of your paperwork will be ready for pick-up after the judge's review and court processing.\* (see Step 4)
- There is no filing fee.

### Step 4: Pick-up your Temporary Restraining Order (DV-110) paperwork from the Family Law Clerk's Office in Room 402.

- **Note:** Your court documents will be a public record and the Restrained Party will receive copies of your paperwork. Do not provide your telephone number on your court papers if that would pose a safety issue.
- When your paperwork is ready for pick-up, a court clerk will contact you by telephone. Be sure to provide a valid telephone number and to unblock your phone so that you may receive calls from the court. If your voicemail box is FULL, the clerk will not be able to leave a message.
- If you filed your **Request (DV-100)** *before* 10:00 a.m., your **Temporary Restraining Order (DV-110)** will be ready between 2:30 p.m. and 4:00 p.m. for pick-up from the Civil Clerk's Office in Room 103, Window 3 the same day. (Enter pick-up date: \_\_\_\_\_)
- If you filed your **Request (DV-100)** *after* 10:00 a.m., your **Temporary Restraining Order (DV-110)** will be ready between 2:30 p.m. and 4:00 p.m. for pick-up from the Civil Clerk's Office in Room 103, Window 3 the next court day. (Enter pick-up date: \_\_\_\_\_)

**Step 5: Have a 3<sup>rd</sup> party “server” give the filed paperwork to the Restrained Party.**

- You must have someone personally hand deliver a copy of the court documents to the Restrained Party no later than 5 calendar days before the hearing date. (Enter date of service deadline: \_\_\_\_\_)
- Your “server” must serve a copy of DV-100, DV-105, DV-109, DV-110, DV-140, DV-120-INFO, blank DV-120, and blank DV-250 (completed and blank FL-150 if applicable) to the Restrained Party. **Important:** All of these documents must be served at the same time.
  - The “server” can be a friend, relative, professional process server or a Sheriff’s Deputy.
  - He/she/they: must be 18 years or older, may not be a party to your case, and may not be a witness in your case.
  - You may request that the Sheriff’s Department serve the Restrained Party, free of charge. The San Francisco Sheriff’s Department is located at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 456, San Francisco, CA 94102. **Note:** Each county’s Sheriff’s Department can only serve within its own county.
- Your server must:
  - 1) Give paperwork to the Restrained Party
  - 2) **Complete the Proof of Personal Service (DV-200).**
  - 3) Date, print and sign name
  - 4) Return to you the Original copy of the completed **Proof of Personal Service (DV-200).**

**Step 6: File the Proof of Personal Service (DV-200)**

- As soon as possible, you must file the original plus one copy of the completed **Proof of Personal Service (DV-200)** at the Family Law Clerk’s Office in Room 402 or in the drop-box located outside Room 402 or courthouse lobby.
- If you cannot file the **Proof of Personal Service (DV-200)** before the court hearing, be sure to bring it to the court hearing.
- If the Sheriff’s Department serves the paperwork, they will complete and may file their own Proof of Service with the Court. In some cases, the Sheriff’s Department will mail you the original and copy of the Proof of Service for you to file.
- This document is proof to the judge that you have provided notice to the Restrained Party that you are requesting restraining orders against him/her/them.

**Step 7: Attend your hearing. Date:** \_\_\_\_\_ **Time:** \_\_\_\_\_ **Location:** \_\_\_\_\_

- Attend your court hearing. The date, time and location of your hearing will be on your court papers.
- Bring copies of your filed court documents.
- Bring a copy of your filed **Proof of Personal Service (DV-200)**, which is your proof that you notified the Restrained Party of the court date. **Important:** Without the **Proof of Personal Service (DV-200)**, the Temporary Restraining Order (DV-110) is not enforceable. The Judge will not be able make any permanent orders in your case if there is no Proof of Personal Service at the time of the hearing. If you do not attend your hearing the **Temporary Restraining Order (DV-110)** will expire on that day.

You may encounter problems with Service of Process: “I cannot locate the Restrained Party to have him/her/them served”; 2) I don’t have anyone willing to help me to serve the Restrained Party; 3) My server delivered the paperwork past the deadline; 4) Other: \_\_\_\_\_

What do I do if I was unable to have the Restrained Person served before the court hearing?

If you are unable to serve the person to be restrained before your court hearing, you must fill out the forms, **Request to Continue Hearing (DV-115)** and **Order on Request to Continue Hearing (DV-116)** to continue your court hearing. These forms must be submitted to the Court by 10:00 a.m. the day BEFORE the court hearing for the Judge’s review and signature, or you must appear at the court hearing to request a continuance (new court date). For assistance, visit the ACCESS Center at <https://sfsuperiorcourt.org/self-help>