

DV-130(TC) Restraining Order After Hearing (Order of Protection)

Clerk stamps date here when form is filed.

1 Protected person's name: _____
(first) (middle) (last)
Protected person's address (skip this if you have a lawyer) (If you want your home address to be private, give a mailing address instead): _____
City: _____ State: _____ Zip: _____
Telephone number (optional): _____
Lawyer (if any) (Name, address, telephone number, and Tribal/ State Bar number): _____

Fill in court name and street address:
TRIBAL COURT:

2 List the full names of all family or household members protected by this order: _____

Clerk fill in case number when form is filed.
Case Number:

3 Restrained person's name: _____
(first) (middle) (last)

Description of that person: Sex: M F Height: _____ Weight: _____ Race: _____
Hair Color: _____ Eye Color: _____ Age: _____ Date of Birth: _____
Relationship to protected person: _____

4 **The court orders are on pages 2 and 3 and attachment pages (if any).**
The hearing was on (date): _____ with (name of judicial officer): _____
The orders end on (date): _____ at (time): _____
• If no end date is written, the restraining order ends three years after the date of the hearing.
• If no time is written, the restraining order ends at midnight on the end date.
• Note: Custody, visitation, child support, and spousal support orders have different end dates. Custody, visitation, and child support orders usually end when the child is 18.
5 The people in 1 and 3 must return to court/department _____ on (date): _____
at (time): _____ a.m. p.m. to review (specify issues): _____

Certificate of Compliance With VAWA
This 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 reasonable notice and an opportunity to be heard as provided by the laws of this jurisdiction. **This order is valid and entitled to enforcement in each jurisdiction throughout the 50 United States, the District of Columbia, all tribal lands, and all U.S. territories, commonwealths, and possessions and shall be enforced as if it were an order of that jurisdiction.**

This is a Court Order.

Your name: _____

6 **Personal Conduct Orders**

The person in **3** must **not** do the following things to the protected people listed in **1** and **2** :

- a. Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, or block movements
- b. Contact (either directly or indirectly), telephone, or send messages or mail or e-mail
 - Except for brief and peaceful contact as required for court-ordered visitation of children unless a criminal protective order says otherwise
- c. Take any action, directly or through others, to get the addresses or locations of any protected persons or of their family members, caretakers, or guardians. *(If item c is not checked, the court has found good cause not to make this order.)*

Peaceful written contact through a lawyer or through a process server or another person in order to serve legal papers is allowed and does not violate this order.

A criminal protective order on Form CR-160 is in effect. Case Number: _____
 County (if known): _____ Expiration Date: _____ *(If more orders, list them in item 17.)*

7 **Stay-Away Order**

a. The person in **3** **must** stay at least *(specify)*: _____ yards away from the person in **1** and:

- (1) Home Vehicle School of person in **1** (4) The children's school or child care
- (2) The job or workplace of person in **1** (5) Other *(specify)*: _____
- (3) The persons in **2** _____

b. Brief and peaceful contact as required for court-ordered visitation of children is allowed unless a criminal protective court order says otherwise.

8 **Move-Out Order**

The person in **3** must move out immediately from *(address)*: _____

9 **Child Custody and Visitation**

Child custody and visitation are ordered on the attached Form DV-140(TC) or *(specify other form)*: _____

10 **Child Support**

Child support is ordered on the attached Form DV-160(TC) or *(specify other form)*: _____

11 **Spousal Support**

Spousal support is ordered on the attached Form FL-343(TC) or *(specify other form)*: _____

12 **Animals: Possession and Stay-Away Order**

The person in **1** is given the sole possession, care, and control of the animals listed below. The person in **3** must stay at least _____ yards away from and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of the following animals: _____

This is a Court Order.



Your name: _____

13 No Guns or Other Firearms or Ammunition

- a. The person in ③ cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.
- b. The person in ③ must:
- Sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms within his or her immediate possession or control. This must be done within 24 hours of being served with this order.
 - File a receipt with the court within 48 hours of receiving this order that proves guns have been turned in or sold. (*Form DV-800(TC)*, Proof of Firearms Turned In or Sold *may be used for the receipt.*)
- c. The court has received information that the person in ③ owns or possesses a firearm.

14 Record Unlawful Communications

The person in ① has the right to record communications made by the person in ③ that violate the judge's orders.

15 Batterer Intervention Program

The person in ③ must go to and pay for a 52-week batterer intervention program and show written proof of completion to the court. This program must be approved by the probation department.

16 No Fee to Notify (Serve) Restrained Person

If the sheriff or marshal serves this order, he or she will do it for free.

17 Other Orders

Other orders relating to property control, debt payment, attorney fees, restitution, and/or other issues are in attached Form DV-170(TC) or (*specify other form*): _____

18 Service

- a. The people in ① and ③ were at the hearing or agreed in writing to this order. No other proof of service is needed.
- b. The person in ① was at the hearing. The person in ③ was not.
- (1) Proof of service of Form DV-109 and Form DV-110 (if issued) was presented to the court. The judge's orders in this form are the same as in Form DV-110 except for the end date. The person in ③ must be served. This order can be served by mail.
 - (2) Proof of service of Form DV-109 and Form DV-110 (if issued) was presented to the court. The judge's orders in this form are different from the orders in Form DV-110, or Form DV-100 was not issued. Someone—not the people in ① or ②— must personally “serve” a copy of this order to the person in ③ .

19 Attached pages are orders.

- Number of pages attached to this five-page form: _____
- All of the attached pages are part of this order.
- Attachments include (*check all that apply*):
 - DV-140(TC) DV-145(TC) DV-150(TC) DV-160(TC) DV-170(TC) FL-343(TC)
 - Other (*specify*): _____

Date: _____

*Judge (or Judicial Officer)***This is a Court Order.**

Your name: _____

Instructions for Law Enforcement**Start Date and End Date of Orders**

The orders *start* on the earlier of the following dates:

- The hearing date on page 1 *or*
- The date next to the judge's signature on page 3.

The orders *end* on the end date in item 4 on page 1. If no end date is listed, they end three years from the hearing date.

Arrest Required If Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Penal Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6.

Notice/Proof of Service

Law enforcement must first determine if the restrained person had notice of the orders. If notice cannot be verified, the restrained person must be advised of the terms of the orders. If the restrained person then fails to obey the orders, the officer must enforce them. (Family Code, § 6383.)

Consider the restrained person "served" (noticed) if:

- The officer sees a copy of the *Proof of Service* or confirms that the *Proof of Service* is on file; *or*
- The restrained person was at the restraining order hearing or was informed of the order by an officer. (Fam. Code, § 6383; Pen. Code, § 836(c)(2).) An officer can obtain information about the contents of the order in the Domestic Violence Restraining Orders System (DVROS). (Fam. Code, § 6381(b)(c).)

If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, the orders remain in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The orders can be changed only by another court order. (Pen. Code, § 13710(b).)

Child Custody and Visitation

- The custody and visitation orders are on Form DV-140, items ③ and ④. They are sometimes also written on additional pages or referenced in DV-140 or other orders that are not part of the restraining order.
- **Forms DV-100 and DV-105 are not orders. Do not enforce them.**

Enforcing the Restraining Order in California

Any law enforcement officer in California who receives, sees, or verifies the orders on a paper copy, the California Law Enforcement Telecommunications System (CLETS), or in an NCIC Protection Order File must enforce the orders.

Conflicting Orders

A protective order issued in a criminal case on Form CR-160 takes precedence in enforcement over any conflicting civil court order. (Pen. Code, § 136.2(e)(2).) Any nonconflicting terms of the civil restraining order remain in full force. An emergency protective order (Form EPO-001) that is in effect between the same parties and is more restrictive than other restraining orders takes precedence over all other restraining orders. (Pen. Code, § 136.2.)

This is a Court Order.

Case Number:

Your name: _____

Warnings and Notices to the Restrained Person in 3

If you do not obey this order, you can be arrested and charged with a crime.

- It is a felony to take or hide a child against this order. You can go to prison and/or pay a fine.
- If you travel to another state or to tribal lands or make the protected person do so, with the intention of disobeying this order, you can be charged with a federal crime.
- If you do not obey this order, you can go to prison and/or pay a fine.

You cannot have guns, firearms, and/or ammunition.



You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, firearms, and/or ammunition while the order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to a licensed gun dealer or turn in to police any guns or firearms that you have or control. The judge will ask you for proof that you did so. If you do not obey this order, you can be charged with a crime. Federal law says you cannot have guns or ammunition while the order is in effect.

(Clerk will fill out this part)

—Clerk's Certificate—

[seal]

I certify that this *Restraining Order After Hearing (Order of Protection)* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.