

DV-110**Temporary Restraining
Order and Notice of Hearing**

Clerk stamps date here when form is filed.

FILED
FAMILY COURT

2007 APR 12 PM 2:58

CLERK-SUPERIOR COURT
SAN DIEGO COUNTY, CA

an

1 Name of person asking for protection (protected person):
Michele LallyProtected person's address (skip this if you have a lawyer): (If you want
your address to be private, give a mailing address instead):
P.O. 95City: LA JOLLA State: CA Zip: 92038Telephone number: 858. 792. 8100Protected person's lawyer (if any): (Name, address, telephone number,
and State Bar number):

_____**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO**

- ☐ COUNTY COURTHOUSE, 220 W. BROADWAY, SAN
DIEGO, CA 92101-3814
- ☒ FAMILY COURT, 1555 6TH AVE., SAN DIEGO, CA, 92101-
3294
- ☐ MADGE BRADLEY BLDG., 1409 4TH AVE., SAN DIEGO, CA
92101-3105
- ☐ NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA,
CA, 92081-6651
- ☐ EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA,
92020-3941
- ☐ SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA,
CA 91910-5649

Fill in case number:

Case Number:

D472021**2** Restrained person's name:Clifford L. RoepkeDescription of that person: Sex: ☒ M ☐ F Height: 5'5Weight: 180 Race: W Hair Color: BwnEye Color: H21 Age: 44 Date of Birth: 7.10.63**3** List the full names of all family or household members protected by this order: _____**4** Court Hearing Date (*Fecha de la Audiencia*)

Clerk will fill out section below.

**Hearing
Date**Date: APR 30 2007 Time: 9AMDept.: FL6 Rm.: LAFName and address of court if different from above:

To the person in **2**: At the hearing, the judge can make restraining orders that last for up to 5 years. The judge can also make other orders about your children, child support, spousal support, money, and property. File an answer on Form DV-120 before the hearing. At the hearing, you can tell the judge that you do not want the orders against you. Even if you do not attend the hearing, you *must* obey the orders.

Para la persona nombrada en 2: En esta audiencia el juez puede hacer que la orden de restricción sea válida hasta un máximo de 5 años. El juez puede también hacer otras órdenes acerca de niños, manutención, dinero y propiedad. Presente una respuesta en el formulario DV-120 antes de la audiencia. Si Usted se opone a estas órdenes, vaya a la audiencia y dígaselo al juez. Aunque no vaya a la audiencia, tiene que obedecer estas órdenes.

To the person in **1**: At the hearing, the judge will consider whether denial of any orders will jeopardize your safety and the safety of children for whom you are requesting custody, visitation, and child support. Safety concerns related to the financial needs of you and your children will also be considered.

5 Temporary Orders (*Ordenes Temporales*)

Any orders made in this form end at the time of the court hearing in **4**, unless a judge extends them. Read this form carefully. All checked boxes ☒ and items 10 and 11 are court orders.

Todas las órdenes hechas en este formulario terminarán en la fecha y hora de la audiencia en 4, al menos que un juez las extienda. Lea este formulario con cuidado. Todas las casillas marcadas ☒ y los artículos 10 y 11 son órdenes de la corte.

This is a Court Order.

Your name: Michele Lally

Case Number:

D472021

13 ☐ **Property Restraint**

If the people in ① and ② are married to each other or are registered domestic partners, they must not transfer, borrow against, sell, hide, or get rid of or destroy any property, except in the usual course of business or for necessities of life. In addition, each person must notify the other of any new or big expenses and explain them to the court. *(The person in ② cannot contact the person in ① if the court has made a "no contact" order.)*

14 ☒ **Unlawful communications may be recorded.**

The person in ① can record communications made by the person in ② that violate the judge's orders.

15 **No Fee to Notify (Serve) Restrained Person**

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

16 ☐ **Other Orders** *(specify):* _____

17 If the judge makes a restraining order at the hearing, which has the same orders as in this form, the person in ② will get a copy of that order by mail at his or her last known address. *(Write restrained person's address here):* _____

If this address is not correct, or to know if the orders were made permanent, contact the court.

18 ☒ **Time for Service**

A To: Person Asking for Order

Someone 18 or over—not you or the other protected people—must personally "serve" a copy of this order to the restrained person at least 5 days before the hearing.

B To: Person Served With Order

If you want to respond in writing, someone 18 or over—not you—must "serve" Form DV-120 on the person in ①, then file it with the court at least 3 days before the hearing.

For help with Service or answering, read Form DV-210-INFO or DV-540-INFO.

Date: APR 12 2007

Lisa Foster
Judge (or Judicial Officer) **LISA FOSTER**

Certificate of Compliance With VAWA

This temporary protective order meets all Full Faith and Credit requirements of the Violence Against Women Act, 18 U.S.C. § 2265 (1994) (VAWA) upon notice of the restrained person. This court has jurisdiction over the parties and the subject matter; the restrained person has been or will be 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 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: Michele Lally

Case Number:

D472021

Instructions for Law Enforcement

24 Start Date and End Date of Orders

The start date is the date next to the judge's signature on page 3. The orders end on the hearing date on page 1 or the hearing date on Form DV-125, if attached.

25 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.

26 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).)

27 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).)

28 Child Custody and Visitation

- 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.**

29 Enforcing the Restraining Order in California

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

30 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.

Clerk's Certificate

[seal]



I certify that this Temporary Restraining Order is a true and correct copy of the original on file in the court.

APR 12 2007

Date: _____ Clerk, by A. Ramos, Deputy

This is a Court Order.

A. RAMOS

Clerk stamps date here when form is filed.

FILED
FAMILY COURT

2007 APR 12 PM 2:58

CLERK-SUPERIOR COURT
SAN DIEGO COUNTY, CASUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO

- ☐ COUNTY COURTHOUSE, 220 W. BROADWAY, SAN DIEGO, CA 92101-3814
- ☐ FAMILY COURT, 1555 6TH AVE., SAN DIEGO, CA, 92101-3294
- ☐ MADGE BRADLEY BLDG., 1409 4TH AVE., SAN DIEGO, CA 92101-3105
- ☐ NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA, 92081-6651
- ☐ EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA, 92020-3941
- ☐ SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910-5649

Clerk fills in case number when form is filed.

Case Number:

D-472021

- 1 Your name (person asking for protection):

Michelle Lally

Your address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):

P.O. 95City: LA JOLLA State: CA Zip: 92038Your telephone number (optional): 858-792-8100

Your lawyer (if you have one): (Name, address, telephone number, and State Bar number):

- 2 Name of person you want protection from:

Clifford L. RoepkeDescription of that person: Sex: ☒ M ☐ F Height: 5.5Weight: 180 Race: W Hair Color: BWNEye Color: H2L Age: 44 Date of Birth: 7.10.63

- 3 Besides you, who needs protection? (Family or household members):

Full Name	Age	Lives with you?	How are they related to you?
<u>Oliver J. Lally-Roepke</u>	<u>11</u>	☒ Yes ☐ No	<u>son</u>
		☐ Yes ☐ No	
		☐ Yes ☐ No	
		☐ Yes ☐ No	

☐ Check here if you need more space. Attach Form MC-020 and write "DV-100, Item 3—Protected People" by your statement. NOTE: In any item that asks for Form MC-020, you can use an 8 1/2 x 11-inch sheet of paper instead.

- 4 What is your relationship to the person in (2)? (Check all that apply):

- a. ☐ We are now married or registered domestic partners.
- b. ☒ We used to be married or registered domestic partners.
- c. ☐ We live together.
- d. ☐ We used to live together.
- e. ☐ We are relatives, in-laws, or related by adoption (specify relationship): _____
- f. ☐ We are dating or used to date.
- g. ☐ We are engaged to be married or were engaged to be married.
- h. ☒ We are the parents together of a child or children under 18:

Child's Name: Oliver J. Lally-RoepkeDate of Birth: 6.30.95

Child's Name: _____

Date of Birth: _____

Child's Name: _____

Date of Birth: _____

- ☐ Check here if you need more space. Attach Form MC-020 and write "DV-100, Item 4h" by your statement.
- i. ☐ We have signed a Voluntary Declaration of Paternity for our child or children. (Attach a copy if you have one.)

This is not a Court Order.

Request for Order
(Domestic Violence Prevention)

Your name: Micnele Lally

Case Number:

D-472021

What orders do you want? Check the boxes that apply to your case. ☒

11 ☒ Record Unlawful Communications

I ask for the right to record communications made to me by the person in (2) that violate the judge's orders.

12 ☒ Property Control

I ask the court to give *only* me temporary use, possession, and control of the property listed here:

3693 Caminito Cielo, del Mar S.D. CA 92130 where I
currently reside, he has never lived in this residence.

13 ☐ Debt Payment

I ask the court to order the person in (2) to make these payments while the order is in effect:

☐ Check here if you need more space. Attach Form MC-020 and write "DV-100, Item 13—Debt Payment" by your statement.

Pay to: _____ For: _____ Amount: \$ _____ Due date: _____

Pay to: _____ For: _____ Amount: \$ _____ Due date: _____

Pay to: _____ For: _____ Amount: \$ _____ Due date: _____

14 ☐ Property Restraint

I am married to or have a registered domestic partnership with the person in (2). I ask the judge to order that the person in (2) not borrow against, sell, hide, or get rid of or destroy any possessions or property, except in the usual course of business or for necessities of life. I also ask the judge to order the person in (2) to notify me of any new or big expenses and to explain them to the court.

15 ☐ Attorney Fees and Costs

I ask that the person in (2) pay some or all of my attorney fees and costs.

You must complete and file Form FL-150, Income and Expense Declaration.

16 ☐ Payments for Costs and Services

I ask that the person in (2) pay the following:

You can ask for lost earnings or your costs for services caused directly by the person in (2) (damaged property, medical care, counseling, temporary housing, etc.). You must bring proof of these expenses to your hearing.

Pay to: _____ For: _____ Amount: \$ _____

Pay to: _____ For: _____ Amount: \$ _____

Pay to: _____ For: _____ Amount: \$ _____

17 ☒ Batterer Intervention Program

I ask the court to order the person listed in (2) to go to a 52-week batterer intervention program and show proof of completion to the court.

18 ☐ No Fee to Serve (Notify) Restrained Person

If you want the sheriff or marshal to serve (notify) the restrained person about the orders for free, ask the court clerk if you need to file more forms. You may need Form CH-101/DV-290 and Form 982(a)(17).

This is not a Court Order.

☒ This form is attached to DV-100, Item 21.

1 Your name: Michele Lally

2 Name of person you want protection from (restrained person): Clifford L. Roepke

3 Describe the 2nd most recent abuse.

a. Date of 2nd most recent abuse: 12/2005

b. Who was there? son, mother, sister, neices

c. What did the person in 2 do or say to you that made you afraid?

Clifford Roepke was supposed to return my son
Dec 26, I got a letter and money from his
attorney with the right numbers at the airport.
He refused to let my son come to me.

He lifted him up by his arm (see photos)

Cursing, bruising and frightening the child.

He slapped me in the chest (see photos)

Police involved. Child released to me.

I went to the hospital later in the week

when the bruises turned purple. hospital report

police report
photos attached

Same night someone tried to break over front

window w/ a brick police called. report issued.

d. Describe any use or threatened use of guns or other weapons.

e. Describe any injuries. bruises to my child, Oliver and
myself

f. Did the police come? ☐ No ☒ Yes

If yes, did they give you an Emergency Protective Order? ☐ Yes ☒ No ☐ I don't know

Attach a copy if you have one.

recommended to go in the
morning to obtain one

☒ This form is attached to DV-105, *Child Custody, Visitation, and Support Request*.

- 1 Your name: Micnele Laluy ☒ Mom ☐ Dad ☐ Other*
- 2 Other parent's name: C. Ford L. Roepke ☐ Mom ☒ Dad ☐ Other*

*If "Other," specify relationship with child: _____

- 3 Do you think the other parent may take the child without your permission to:
- a. ☒ Another county in California? ☒ Yes ☐ No If "yes," what county? San Mateo
- b. ☐ Another state? ☐ Yes ☐ No If "yes," what state? _____
- c. ☐ A foreign country? ☐ Yes ☐ No If "yes," what country? _____
- If "Yes," is the other parent a citizen of that country? ☐ Yes ☐ No
- If "Yes," does the other parent have family or emotional ties to that country? ☐ Yes ☐ No

Explain: _____

- 4 Why do you think the other parent may take the child without your permission?
- The other parent: (Check all that apply)
- a. ☒ Has violated - or threatened to violate - a custody or visitation order in the past.
- b. ☐ Does not have strong ties to California
- c. ☐ Has done things recently that make it easy for him or her to take the child away without permission. He or she has: (Check all that apply)
- ☐ Quit his or her job ☐ Sold his or her home
- ☐ Closed a bank account ☐ Ended a lease
- ☐ Sold or gotten rid of assets ☐ Hidden or destroyed documents
- ☐ Applied for a passport, birth certificate, or school or medical records
- d. ☒ Has a history of: (Check all that apply)
- ☐ Domestic violence
- ☐ Child abuse
- ☒ Not cooperating with me in parenting
- ☐ Child abduction
- e. ☐ Has a criminal record
- f. Please explain your answers to a-e:

He continually takes child out of San Diego w/out
telling me his whereabouts a violation of court order
He refuses to give me his address in San Diego
and Northern CA where he resides and take child

This is not a Court Order.

☒ This form is attached to DV-100, Item 9.

1 Your name: Michelle Lally ☒ Mom ☐ Dad ☐ Other
 2 Other parent's name: Clifford L. Roepke ☐ Mom ☒ Dad ☐ Other

3 **Change of Current Court Orders**

☒ I want to change a current child custody or visitation court order.

Explain your current order and why you want a change. Then skip to 5 and finish the form. If you do not want a change, skip to 4 and finish the form.

father has every third weekend. 1/2 of holidays
2 weeks every summer, rotated.
CPS was called twice in 12-06 Oliver reluctant to go scared.

4 ☐ I want to keep my current child custody court order without any changes. If there are no court orders for custody, you cannot check this box. If you check this box, skip the rest of this form. If you have a copy of the current court order, attach it.

5 ☒ **Child Custody**

I ask the court for custody as follows:

Legal Custody to: (Person who makes decisions about health, education, etc. Check at least one.)

Physical Custody to: (Person the child lives with. Check at least one.)

Child's Name	Date of Birth	Mom	Dad	Other*	Mom	Dad	Other*
a. <u>Oliver J. Lally-Roepke</u>	<u>10.30.95</u>	☒	☐	☐	☒	☐	☐
b. _____	_____	☐	☐	☐	☐	☐	☐
c. _____	_____	☐	☐	☐	☐	☐	☐

☐ If more children, check here. Attach a sheet of paper and write "DV-105, Item 5 - Child Custody" by your request.

*If Other, specify relationship to child and name of person: _____

6 **Child's Address**

Where has the child in 5 a lived for the last 5 years? Give each address unless it is private. Start with where the child lives now and work backwards in time.

Child 5 a's addresses:	Child 5 a lived with:	Dates lived there:
	Mom Dad Other*	
<u>3693 Camino del Mar</u>	☒ ☐ ☐	<u>11.2001 - 8</u> to present
_____	☐ ☐ ☐	_____ to _____
_____	☐ ☐ ☐	_____ to _____
_____	☐ ☐ ☐	_____ to _____

*If Other, specify relationship to child and name of person: _____

7 **Other Children's Addresses**

☐ Check here if the other child's (or children's) address information is the same as listed in 6.

☐ If it is different, check here. Attach a sheet of paper and write "DV-105, Item 7 - Other Children's Addresses" by your list. List other children's address information, including dates, and name of person child lived with.

This is not a Court Order.

Your name:

Michelle Lally

Case Number:

0472021

11 ☐ Supervised Visitation

a. I ask that the visitation in **10** be supervised by (write name and telephone number):

b. I ask that any costs for supervision be paid as follows:

Mom _____ % Dad _____ % Other (name) _____ %

12 ☒ Responsibility for Transportation for Visitation

"Responsibility for transportation" means the parent will take or pick up the child or make arrangements for someone else to do so.

a. ☐ Mom ☒ Dad ☐ Other (name): _____ to the visits.

b. ☐ Mom ☒ Dad ☐ Other (name): _____ from the visits.

c. ☒ Drop-off / pick-up of children will be at (address):

783 Forward St. LA Jolla CA 92037 / child's school
Sisters home. been d.o. for 5 yrs. when child at school

13 ☒ Travel With Children

☐ Mom ☒ Dad ☐ Other (name): _____ MUST have written permission from the other parent, or a court order, to take the children outside of:

a. ☐ The State of California.

b. ☒ Other place(s) (list): out of San Diego county

14 ☒ Child Abduction

☒ I believe that there is a risk the other parent will take our child out of California without my permission.

If you check this box you must fill out and attach form DV-108.

15 ☐ Child Support

a. ☐ I ask the court for child support. You must fill out and file FL-150 or FL-155 before your hearing.

b. ☐ I now receive or have applied for TANF, Welfare, CalWORKS, or Medi-Cal.

c. ☐ I already have a child support order, but I want it changed.

16 Important!

You must tell the court if you find out any other information about a custody case in any court for the children listed on this form.

This is not a Court Order.

☒ This form is attached to DV-140 Child Custody and Visitation Order.

- 1 Protected Person's name: Michele Lally ☐ Mom ☒ Dad ☐ Other*
- 2 Other parent's name: Clifford Roepke ☐ Mom ☒ Dad ☐ Other*

*If "Other," specify relationship with child: _____

- 3 The Court finds there is a risk that (name of parent): Clifford Roepke might take the child without permission because that parent: (Check all that apply)

- a. ☒ Has violated - or threatened to violate - a custody or visitation order in the past.
- b. ☐ Does not have strong ties to California
- c. ☐ Has done things that make it easy for him or her to take the children without permission. He or she has (check all that apply)
- ☐ Quit his or her job. ☐ Sold his or her home.
- ☐ Closed a bank account. ☐ Ended a lease.
- ☐ Sold or gotten rid of assets. ☐ Hidden or destroyed documents.
- ☐ Applied for a passport, birth certificate, or school or medical records.
- d. ☒ has a history of (check all that apply)
- ☐ Domestic violence.
- ☐ Child abuse.
- ☒ not cooperating with the other parent in parenting.
- ☐ Child abduction.
- e. ☐ has a criminal record.
- f. ☐ has family or emotional ties to another county, state or foreign country.

Note: If "f" is checked, at least one other factor must be checked also.

The Court makes the following orders to prevent the parent in 3 from taking the children without permission. These orders are valid in other states and any country that has signed the Hague Convention on The Civil Aspects of International Child Abduction.

- 4 ☐ Post a Bond
- The parent in 3 must post a bond for \$ _____
- 5 ☒ Do not Move Without Permission of the Other Parent or Court Order
- The parent in 3 must not move with the children without permission in writing from the other parent or a court order.
- 6 ☒ Do Not Travel Without Permission of the Other Person or Court Order
- The parent in 3 must NOT travel with the children outside (check all that apply)
- ☒ this county ☒ California ☒ the United States ☐ Other (specify): _____
- 7 ☐ Notify Other State of Travel Restrictions
- The parent in 3 must register this order in the state of _____ before the child can travel to that state for visits.

This is a Court Order.

This form is attached to (check one): ☒ DV-110 ☐ DV-130

- 1 Protected person's name: Michele Lally ☒ Mom ☐ Dad ☐ Other
- 2 Other parent's name: Clifford Roepke ☐ Mom ☒ Dad ☐ Other

The Court Orders:

- 3 ☒ Child Custody is ordered as follows:

Legal Custody to: (Person who makes decisions about health, education, etc. Check at least one.)

Physical Custody to: (Person the child lives with. Check at least one.)

Current custody & visitation orders remain in effect.

Child's Name Date of Birth

a. Oliver 6/30/95

b. _____

c. _____

Mom Dad Other*

☒ ☒ ☐

☐ ☐ ☐

☐ ☐ ☐

Mom Dad Other*

☐ ☐ ☐

☐ ☐ ☐

☐ ☐ ☐

☐ If more children, check here. Attach a sheet of paper and write "DV-140, Item 3-Child Custody" at the top.

*If Other, specify relationship to child and name of person: _____

- 4 ☒ Child Visitation is ordered as follows:

- a. ☐ No visitation to ☐ Mom ☐ Dad ☐ Other (name): _____
- b. ☐ See the attached _____ - page document, dated: _____
- c. ☒ The parties must go to mediation at _____
- d. ☐ Until the next court order, visitation for ☐ Mom ☐ Dad ☐ Other _____ will be:
- (1) ☐ Weekends (starting): _____ (The 1st weekend of the month is the 1st weekend with a Saturday.)
- ☐ 1st ☐ 2nd ☐ 3rd ☐ 4th ☐ 5th weekend of month
- from _____ at _____ a.m. ☐ p.m. to _____ at _____ a.m. ☐ p.m.
- (2) ☐ Weekdays (starting): _____
- from _____ at _____ a.m. ☐ p.m. to _____ at _____ a.m. ☐ p.m.
- (3) ☐ Other Visitation

Check here and attach a sheet of paper if there are other visitation days and times, like holidays, birthdays, sports events. List dates and times. Write "DV-140, Item 4-Visitation" at the top.

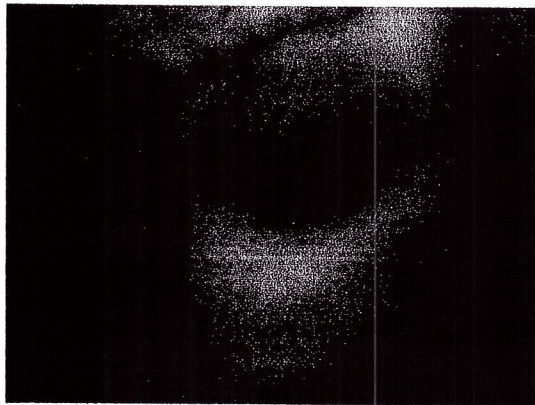
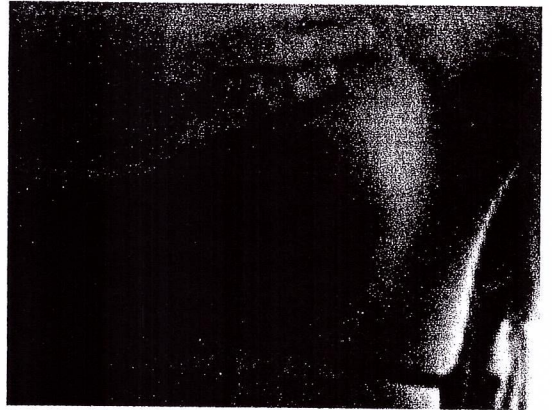
- 5 ☐ Supervised Visitation - Follow orders on attached Form DV-150.

- 6 ☒ Responsibility for Transportation for Visitation

"Responsibility for transportation" means the parent will take or pick up the child or make arrangements for someone else to do so.

- a. ☐ Mom ☐ Dad ☐ Other (name): _____ to the visits.
- b. ☐ Mom ☐ Dad ☐ Other (name): _____ from the visits.
- c. ☒ Drop-off/pick-up of children will be at (address): 783 Forward St.
La Jolla, CA OR child's
school (when
school is in
session

This is a Court Order.



12/2005



12/2005

This was provided to me by my sons
Teacher, Mrs. Hovland, Stella Maris
Academy.

• 2005

X Dave Kelly
parent sig

P

My greatest fear is my dad

When I face that wreh of fear,
the death of fear is certain. I fear
many things but the greatest of them all
is my dad because he taww my mom
wile holding me against the wall. He
also taww a chair at my moms head.

He also punched me when I was little.

I get over my fear by calling
my mom on my cellphone. It really

dose help. I love it when she sends me

jokes on a text message. She always gets

thru her mind into my mind.

I wish there was a switch
that made him disappear. He is the
worst dad ever. When I go with him
he always tries to make me forget about
my mom. One time I had to lock
myself in the bathroom because he wouldn't
let me call her.

**“RESPONDING
PARTY”
-
DOMESTIC
VIOLENCE
FORMS PACKET**

What is a restraining order?

It is a court order.

What does the order do?

It can order you to:

- Not contact or go near the protected person
- Not have a gun while the order is in effect
- Move out of the house
- Follow child custody and visitation orders
- Pay child support and
- Pay spousal support

Read the order carefully. If you disobey the order, you can go to jail or be fined.

What if I have a gun?

You cannot own, possess, or have a gun or firearm while the order is in effect. If you have a gun now, you must sell it to a licensed gun dealer or turn it in to police. Read Form DV-810-INFO.

Should I go to the hearing?

Yes. Go to court on the hearing date listed on page 1 of Form DV-110. If you do not go to court, the judge can make the orders without hearing from you.

How do I tell my side of the story?

File Form DV-120 before the hearing date. Also, have someone mail it to the person who asked for the order or to the person's lawyer. This is "Service." The person who mails it must fill out and sign a *Proof of Service by Mail* (Form DV-250). File the *Proof of Service* with the court clerk. Keep a copy.

Do I have to get a lawyer?

No. But it is a good idea, especially if you have children. Ask the clerk how to find free or low-cost legal services.

What if I also have criminal charges against me?

See a lawyer. Anything you say or write can be used against you in your criminal case.

What if I am a victim of domestic violence?

Call the National Domestic Violence Hotline:

1-800-799-7233

TDD: 1-800-787-3224

Ask who can help you file a restraining order.

DV-110 Temporary Restraining Order and Notice of Hearing

1 Name of person asking for protection (protected person):
Protected person's address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):
City: _____ State: _____ Zip: _____
Telephone number: _____
Protected person's lawyer (if any): (Name, address, telephone number, and State Bar number): _____

2 Restrained person's name: _____
Description of that person: Sex: ☐ M ☐ F Height: _____
Weight: _____ Race: _____ Hair Color: _____
Eye Color: _____ Age: _____ Date of Birth: _____

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

4 Court Hearing Date (Fecha de la Audiencia)
Clerk will fill out section below.
Hearing Date: _____ Time: _____
Dept.: _____ Rm.: _____
Name and address of court if different from above: _____

To the person in (2): At the hearing, the judge can make restraining orders that last for up to 5 years. The judge can also make other orders about your children, child support, spousal support, money, and property. File an answer on Form DV-120 before the hearing. At the hearing, you can tell the judge that you do not want the orders against you. Even if you do not attend the hearing, you must obey the orders.

Para la persona nombrada en (2): En esta audiencia el juez puede hacer que la orden de restricción sea válida hasta un máximo de 5 años. El juez puede también hacer otros órdenes acerca de niños, manutención, dinero y propiedad. Prevenga una respuesta en el formulario DV-120 antes de la audiencia. Si Usted se opone a estas órdenes, vaya a la audiencia y dígaselo al juez. Aunque no vaya a la audiencia, tiene que obedecer estas órdenes.

To the person in (1): At the hearing, the judge will consider whether denial of any order will jeopardize your safety and the safety of children for whom you are requesting custody, visitation, and child support. Any orders made in this form end at the time of the court hearing in (4), unless a judge extends them.

Para la persona nombrada en (1): En esta audiencia el juez considerará si la denegación de cualquier orden pone en peligro su seguridad y la seguridad de los niños por los que está solicitando custodia, visitas y apoyo para el niño. Cualquier orden hecha en este formulario termina en la fecha y hora de la audiencia en (4), a menos que un juez la extienda. Lea este formulario con cuidado. Todas las casillas marcadas ☒ y los artículos 10 y 11 son órdenes de la corte.

6 Temporary Orders (Ordenes Temporales)
Any orders made in this form end at the time of the court hearing in (4), unless a judge extends them.
Read this form carefully. All checked boxes ☒ and items 10 and 11 are court orders.
Todas las órdenes hechas en este formulario terminan en la fecha y hora de la audiencia en (4), a menos que un juez las extienda. Lea este formulario con cuidado. Todas las casillas marcadas ☒ y los artículos 10 y 11 son órdenes de la corte.

This is a Court Order.
Temporary Restraining Order
and Notice of Hearing (CLETS—TRO)
(Domestic Violence Prevention)

DV-110, Page 1 of 2

Be prepared.

- Bring documents that support your case (police or medical reports, rental agreements or receipts, pictures, bills, etc.).
- You can bring a witness to help support your case. Witnesses may or may not be permitted to testify. But you can bring a written statement of what the witness saw or heard. (You must file and serve witness statements by mail or in person, along with your *Answer* (Form DV-120). Bring filed copies of your *Answer* and *Proof of Service* [Form DV-250] to your hearing.)
- Most courtrooms do not allow children. Ask the court clerk if there is a children's waiting room in the courthouse.
- **Don't miss the hearing! If you miss it, the judge can make the orders without hearing from you.**

Get there 30 minutes early.

- Find the courtroom.
- When the courtroom opens, go in and tell the clerk or officer that you are present.
- If the person who asked for the order is present, do not sit near or talk to him or her.
- Watch the other cases so you will know what to do.
- When your name is called, go to the front of the courtroom.
- Your hearing may last just a few minutes or up to an hour or more. However, you may be at court several hours, depending on the number of other cases.

What if I don't speak English?

Ask someone who speaks English to call the court clerk before your hearing and ask for a court interpreter. If the interpreter is not available, bring someone to interpret for you. Do not ask a child, a witness, or a protected person to interpret for you.

What if I am deaf or hard of hearing?



Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk's office or go to www.courtinfo.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Order* (Form MC-410). (Civil Code, § 54.8.)

Practice telling what you disagree with.

Make a list of the orders you disagree with. Practice saying why you disagree. Do not take more than 3 minutes to say which orders you disagree with.

If you get nervous at the hearing, just read from your list. Use your list to make sure you have told the judge about each order you disagree with.

1 What is a firearm?

A firearm is a:

- Handgun ■ Shotgun
- Rifle ■ Assault weapon


2 If you own or have a firearm you must:

- sell it to a licensed gun dealer *or*
- turn it in to local law enforcement

3 How do I sell my firearm?

Look for a Licensed Gun Dealer in your area.

Look under "Firearms Dealers" in your local Yellow Pages. Make sure the dealer is licensed.

4 How do I take my firearm to law enforcement?

Call your local agency to ask about their procedures. Take a copy of the restraining order with you. Go directly to the law enforcement agency. Do not go anywhere else with firearms in your vehicle!

5 If I turn my firearm in to law enforcement, how long will they keep it?

They will keep your firearm until the court order ends.

6 After I give my firearm to law enforcement, can I change my mind?

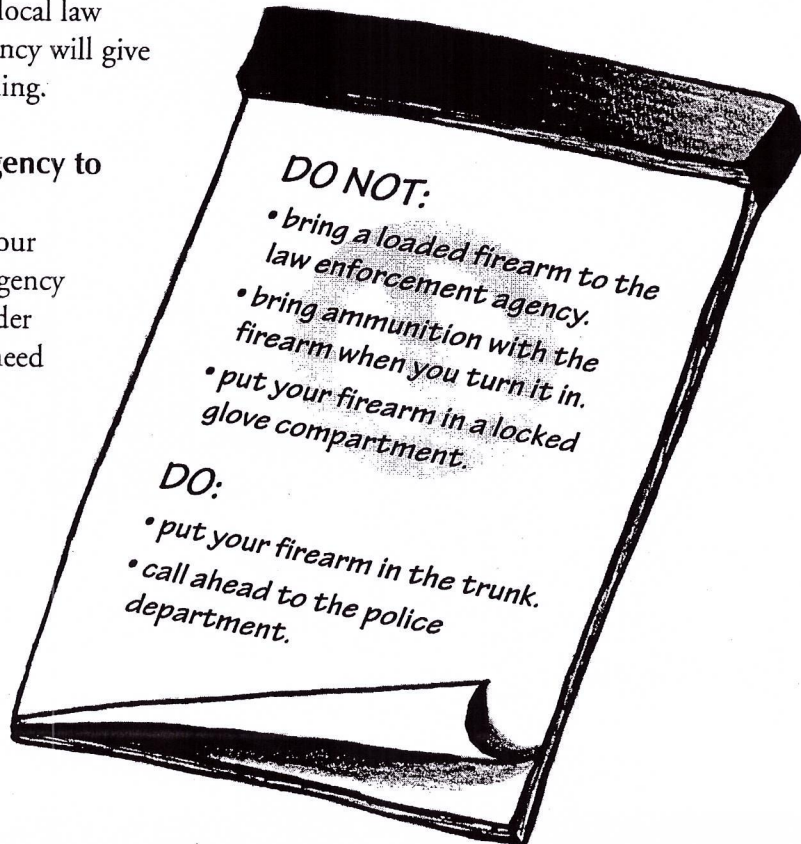
Yes. You are allowed to make one sale. To do this, a licensed gun dealer must present a Bill of Sale to your local law enforcement agency. The law enforcement agency will give the licensed gun dealer the firearm you are selling.

7 Do I have to pay the law enforcement agency to keep my firearm?

You may have to pay the agency for keeping your firearm. Contact your local law enforcement agency and ask if a fee is charged. After your court order ends, the agency will tell you how much you need to pay.

8 Questions?

Call your local law enforcement agency:
[insert local information here]



SHORT TITLE:

FILE NUMBER:

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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 _____

1 Protected person's name:

2 Your name (restrained person):

Your address (*skip this if you have a lawyer*): (*If you want your address to be private, give a mailing address instead*):

City: _____ State: _____ Zip: _____

Your phone # (*optional*): (_____) _____

Your lawyer (*if you have one*): (*Name, address, phone #, and State Bar #*):

Court name and street address:

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO**

- ☐ COUNTY COURTHOUSE, 220 W. BROADWAY, SAN DIEGO, CA 92101-3814
☐ FAMILY COURT, 1555 6 TH AVE., SAN DIEGO, CA 92101-3294
☐ MADGE BRADLEY BLDG., 1409 4TH AVE., SAN DIEGO, CA 92101-3105
☐ NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081-6651
☐ EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020-3941
☐ SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910-5649
☐ JUVENILE COURT, 2851 MEADOW LARK DR., SAN DIEGO, CA 92123-2792

3 To the person selling or turning in firearms:

When you sell or turn in your firearms, ask law enforcement or the gun dealer to complete item **4** or **5** and item **6**. After the form is signed, take it to the court clerk. Keep a copy. For help, read Form DV-810.

Case Numbers:

4 To: Law Enforcement

Fill out parts **4** and **6** of this form. Keep a copy and give the original to the person who turned in the firearms.

The firearms listed below were turned in on:

Date: _____ at: _____ ☐ a.m. ☐ p.m.

To: _____
Name and title of law enforcement agent

Name of law enforcement agency

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

Fill out parts **5** and **6** of this form. Keep a copy and give the original to the person who sold the firearms to you.

The firearms listed below were sold on:

Date: _____ at: _____ ☐ a.m. ☐ p.m.

To: _____
Name of licensed gun dealer

License number (_____) _____
Telephone

Address

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 Firearm Make

1. _____
2. _____
3. _____

Model

- _____
- _____
- _____

Serial #

- _____
- _____
- _____

☐ Check here if more firearms. Attach a sheet of paper and write "DV-800, Item 6 — Firearms Turned In or Sold" at the top. Include make, model and serial # for all other firearms.

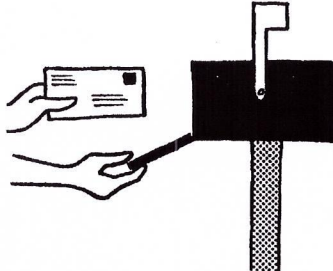
1 Protected person's name: _____

2 Restrained person's name: _____

3 **Notice to Server**

You must:

- Be 18 or over.
- Not be listed on the restraining order.
- Mail a copy of all documents checked in 4 to the person in 5.



Court name and street address:

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO**

- ☐ COUNTY COURTHOUSE, 220 W. BROADWAY, SAN DIEGO, CA 92101-3814
- ☐ FAMILY COURT, 1555 6 TH AVE., SAN DIEGO, CA 92101-3294
- ☐ MADGE BRADLEY BLDG., 1409 4TH AVE., SAN DIEGO, CA 92101-3105
- ☐ NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081-6651
- ☐ EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020-3941
- ☐ SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910-5649

4 I mailed to the person in 5 a copy of all documents checked below:

- a. ☐ DV-120 (Answer to Temporary Restraining Order)
- b. ☐ FL-150 (Income and Expense Declaration)
- c. ☐ FL-155 (Simplified Financial Statement)
- d. ☐ DV-130 (Restraining Order After Hearing)
- e. ☐ Other (specify): _____

Case Number: _____

Remember: You cannot serve DV-100, DV-105, DV-110, or DV-125 by mail.

5 I placed copies of the documents checked above in a sealed envelope and mailed them as listed below:

- a. Date: _____
- b. Mailed from (city): _____ (state): _____
- c. Mailed to (write name): _____
- d. At this address: _____

6 **Server's Information**

Name: _____

Address: _____

Telephone: _____

(If you are a 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