

Temporary Restraining Order and Notice of Hearing

Clerk stamps date here when form is filed.

1 Name of person asking for protection (protected person):
Michele Lally GAL for Oliver J. Lally-Roepke
 Protected 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. Box 95
 City: La Jolla State: CA Zip: 92101
 Telephone number: _____
 Protected person's lawyer (if any): (Name, address, telephone number,
 and State Bar number):
In Pro Per-Michele Lally
GAL for Oliver J. Lally-Roepke

Fill in court name and street address:

**Superior Court of California, County of
 San Diego
 Superior Court, County of
 1555 Sixth Avenue
 San Diego, CA 92101**

2 Restrained person's name:
Clifford Roepke
 Description of that person: Sex: x M F Height: 5'6"
 Weight: 180 Race: White Hair Color: Brn
 Eye Color: Hazel Age: 45 Date of Birth: 07/10/08

Fill in case number:

Case Number:
D472021

3 List the full names of all family or household members protected by this order: Oliver J. Lally - Roepke (13)

4 Court Hearing Date (Fecha de la Audiencia)

Clerk will fill out section below.

Hearing
Date

Date: 11/13/08 Time: 9:00AM
 Dept.: FI Rm.: LAF

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 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 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 esta 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 GAL for Oliver J. Lally-Roepk

Case Number:

D472021

6 x Personal Conduct Orders

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

- a. x 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. x Contact (either directly or indirectly), or 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. x 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 (16).)

7 x Stay-Away Order

The person in (2) must stay at least 100 yards away from:

- a. The person listed in (1)
- b. x The people listed in (3)
- c. x Home Job Vehicle of person in (1)
- d. x The children's school or child care
- e. Other (specify): _____

8 Move-Out Order

The person in (2) must take only personal clothing and belongings needed until the hearing and move out immediately from (address): _____

9 x Child Custody and Visitation Order

a. You and the other parent must make an appointment for court mediation (address and phone number): _____

b. x Follow the orders listed in Form DV-140, which is attached.

10 No Guns or Other Firearms or Ammunition

The person in (2) cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, firearms, or ammunition.

11 Turn in or sell guns or firearms.

The person in (2):

- Must sell to a licensed gun dealer or turn in to police any guns or firearms that he or she has or controls. This must be done within 24 hours of being served with this order. ~~or immediately to a law enforcement officer upon that officer's request~~
- Must bring a receipt to the court within 48 hours of being served with this order, to prove that guns and firearms have been turned in or sold.

12 Property Control

Until the hearing, *only* the person in (1) can use, control, and possess the following property and things:

This is a Court Order.

**Temporary Restraining Order
and Notice of Hearing (CLETS—TRO)
(Domestic Violence Prevention)**



Your name: Michele Lally GAL for Oliver J. Lally-Roepke

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 x 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):*

17035 Calle Trevino #1 San Diego, CA 92127

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

18 x Time for Service

A To: Person Asking for Order

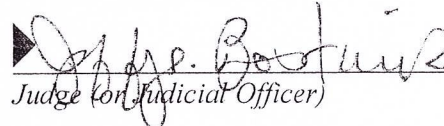
Someone 18 or over—**not you or the other protected people**—must personally “serve” a copy of this order to the restrained person at least 5 days before the hearing.

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

Date: 10/14/08

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 2 days before the hearing.


Judge for Judicial Officer

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.

**Temporary Restraining Order
and Notice of Hearing (CLETS—TRO)
(Domestic Violence Prevention)**

Warnings and Notices to the Restrained Person in ②

19 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 in violation of 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.

20 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 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 if you are subject to a restraining order made after a noticed hearing.

21 After You Have Been Served With a Restraining Order

- Obey all the orders.
- If you want to respond, fill out Form DV-120. Take it to the court clerk with the forms listed in item ②②.
- File DV-120 and have all papers served on the protected person by the date listed in item ①⑧ of this form.
- At the hearing, tell the judge if you agree or disagree with the orders requested.
- Even if you do not attend the hearing, the judge can make the restraining orders last for 5 years.

22 Child Custody, Visitation, and Support

- Child Custody and Visitation: If you do not go to the hearing, the judge can make custody and visitation orders for your children without hearing your side.
- Child Support: The judge can order child support based on the income of both parents. The judge can also have that support taken directly from your paycheck. Child support can be a lot of money, and usually you have to pay until the child is 18. File and serve a *Financial Statement* (Form FL-155) or an *Income and Expense Declaration* (Form FL-150) so the judge will have information about your finances. Otherwise, the court may make support orders without hearing your side.
- Spousal Support: File and serve a *Financial Statement* (Form FL-155) or an *Income and Expense Declaration* (Form FL-150) so the judge will have information about your finances. Otherwise, the court may make support orders without hearing your side.

23 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.)

This is a Court Order.

**Temporary Restraining Order
and Notice of Hearing (CLETS—TRO)
(Domestic Violence Prevention)**



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.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

**Temporary Restraining Order
and Notice of Hearing (CLETS—TRO)
(Domestic Violence Prevention)**

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

Protected person's name: Michele Lally GAL for Oliver J. Lally-R ☒ Mom ☐ Dad ☐ Other

Other parent's name: Clifford Roepke Mom ☒ Dad ☐ Other

The Court Orders:

☒ 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.)

Child's Name	Date of Birth	Mom	Dad	Other*	Mom	Dad	Other*
a. <u>Oliver J. Lally-Roepke</u>	<u>06/30/95</u>	☒	☐	☐	☒	☐	☐
b. _____	_____	☐	☐	☐	☐	☐	☐
c. _____	_____	☐	☐	☐	☐	☐	☐

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: _____

☒ 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.
 (day of week) (time) (day of week) (time)
- (2) **Weekdays (starting):** _____
 from _____ at _____ a.m. p.m. to _____ at _____ a.m. p.m.
 (day of week) (time) (day of week) (time)
- (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.

Supervised Visitation — Follow orders on attached Form DV-150.

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): _____

This is a Court Order.

Case Number:

D472021

Protected person's name: Michele Lally GAL for Oliver J. L

☒ **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): _____

☐ **Child Abduction**

There is a risk that one of the parents will take the children out of California without the other parent's permission. The orders in Form DV-145 are attached and must be obeyed. (Fill out and attach DV-145 to this form.)

☐ **Other Orders**

Check here and attach any other orders to this form. Write "DV-140, Item 9 — Other Orders" on the orders.

Jurisdiction

This court has jurisdiction to make child custody orders in this case under the Uniform Child Custody Jurisdiction and Enforcement Act (part 3 of the California Family Code starting with section 3400).

Notice and Opportunity to Be Heard

The responding party was given notice and an opportunity to be heard as provided by the laws of the State of California.

Country of Habitual Residence

The country of habitual residence of the child or children in this case is ☒ the United States of America
or ☐ other (specify): _____

Penalties for Violating This Order

If you violate this order, you may be subject to civil or criminal penalties, or both.

This is a Court Order.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) or
GOVERNMENTAL AGENCY:

Michele Lally
3693 Caminito Cielito Del Mar

San Diego, CA 92130

TELEPHONE NO. (Optional):

FAX NO. (Optional):

E-MAIL ADDRESS (Optional):

ATTORNEY FOR (Name): In Pro Per

SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego

STREET ADDRESS: 1555 Sixth Avenue

MAILING ADDRESS:

CITY AND ZIP CODE: San Diego, CA 92101

BRANCH NAME:

CHILD'S NAME: Oliver J. Lally-Roepke

PETITIONER: Michele Lally

RESPONDENT: Clifford Roepke

OTHER PARENT:

**APPLICATION AND ORDER FOR APPOINTMENT OF
GUARDIAN AD LITEM OF MINOR—FAMILY LAW**

☒ EX PARTE

CASE NUMBERS:

D472021

NOTE: This form is for use in family law proceedings with the exception of dissolution proceedings. For appointment of a guardian ad litem in civil proceedings, use form CIV-010. For appointment of a guardian ad litem in probate proceedings, use form DE-350/GC-100.

1. I (name): Michele Lally

am the

a. attorney for

(1) minor.

(2) ☒ parent of the minor.

(3) other interested person (specify name and relationship):

b. parent of the minor.

c. other interested person.

d. minor (answer all that apply to you):

(1) My date of birth is (specify):

(2) I live with my mother father legal guardian other (specify name and relationship):

(3) My mother's name is (specify):

, and her address is:

(4) My father's name is (specify):

, and his address is:

(5) I have a legal guardian. My legal guardian's name is (specify):

, and his

or her address is:

The guardianship was established in:

County, case no. (if known):

2. I ask the court to appoint the following person as guardian ad litem for the minor (state name, address, and telephone no.):

Michele Lally

P.O. Box 95

La Jolla, CA

3. The relationship of the person listed in item 2 to the minor is

a. ☒ parent

b. other (specify):

4. Appointment of a guardian ad litem is necessary because (specify): My son is terrified being with his father. His father is verbally and physically abusive, and I need to protect my son until on court date on 11/10/08. Respondent is drinking while my son is with him. Per court order, respondent is to refrain from using alcohol during the time our son is in his care and for 24 hours prior to spending time with the child.

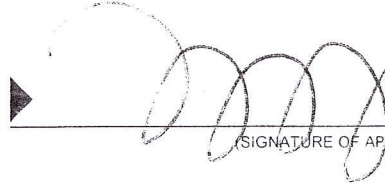
Continued on Attachment 4 (describe in detail, attach additional pages if necessary).

CHILD'S NAME: PETITIONER: Michele Lally RESPONDENT: Clifford Roepke OTHER PARENT:	CASE NUMBERS D472021
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5. The proposed guardian ad litem is fully competent to understand and protect the rights of the minor and has no interests conflicting with those of the minor.

Date: 10/10/2008

Michele Lally
(TYPE OR PRINT NAME)

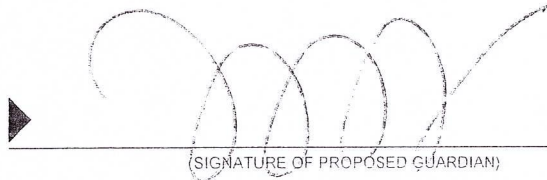

(SIGNATURE OF APPLICANT)

CONSENT TO ACT AS GUARDIAN AD LITEM

I consent to the appointment as guardian ad litem and agree to assume the responsibilities.

Date: 10/10/2008

Michele Lally
(TYPE OR PRINT NAME)


(SIGNATURE OF PROPOSED GUARDIAN)

CONSENT TO GUARDIAN BY MINOR 14 YEARS OF AGE OR OLDER

I, (name): _____, am (specify age): _____ years of age and hereby nominate
(name): _____ to be my guardian ad litem to represent my interests for the
reasons set forth in items 4 and 5 of this application.

Date:

Michele Lally
(TYPE OR PRINT NAME)


(SIGNATURE OF PETITIONER)

ORDER EX PARTE

THE COURT FINDS

It is reasonable and necessary to appoint a guardian ad litem for the person named in the application, as requested above.

THE COURT ORDERS that (name):

litem of (name):

forth in item 4 of the petition.

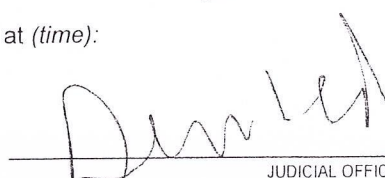
is hereby appointed guardian ad
for the purposes set

Application for Appointment of Guardian ad Litem filed (date):

- a. is denied.
- b. is granted.
- c. is set for hearing on (date):

at (time):

Date:


JUDICIAL OFFICER
SIGNATURE FOLLOWS LAST ATTACHMENT

Clerk stamps date here when form is filed.

- ① Your name (person asking for protection):
 Michele Lally GAL for Oliver J. Lally-Roepke
 Your address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):
 P.O. Box 95
 City: La Jolla State: CA Zip: 92101
 Your telephone number (optional):
 Your lawyer (if you have one): (Name, address, telephone number, and State Bar number):
 In Pro Per-Michele Lally

Fill in court name and street address:

Superior Court of California, County of
 San Diego
 Superior Court, County of
 1555 Sixth Avenue
 San Diego, CA 92101

Clerk fills in case number when form is filed.

Case Number:

D472021

- ② Name of person you want protection from:
 Clifford Roepke
 Description of that person: Sex: ☒ M ☐ F Height: 5'6"
 Weight: 180 Race: White Hair Color: Brn
 Eye Color: Hzlz Age: 45 Date of Birth: 07/10/08

- ③ Besides you, who needs protection? (Family or household members):
- | Full Name | Age | Lives with you? | How are they related to you? |
|-----------------|-----|---|------------------------------|
| Oliver J. Lally | 13 | ☒ Yes ☐ No | Son |
| | | ☐ 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):
- ☐ We are now married or registered domestic partners.
 - ☒ We used to be married or registered domestic partners.
 - ☐ We live together.
 - ☒ We used to live together.
 - ☐ We are relatives, in-laws, or related by adoption (specify relationship):
 - ☐ We are dating or used to date.
 - ☐ We are engaged to be married or were engaged to be married.
 - ☒ We are the parents together of a child or children under 18:

Child's Name: Oliver J. Lally

Date of Birth: 06/30/95

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)

Legal
 Solutions
 & Plus

DV-100, Page 1 of 4



5 Other Court Cases

- a. Have you and the person in (2) been involved in another court case? No
- ☐
- x Yes

If yes, where? County: San Diego

State: CA

What are the case numbers? (If you know): D472021

What kind of case? (Check all that apply):

- ☐ Registered Domestic Partnership ☐ x ☐ Divorce/Dissolution ☐ Parentage/Paternity ☐ Legal Separation
☐ Domestic Violence ☐ Criminal ☐ Juvenile ☐ Child Support ☐ Nullity ☐ Civil Harassment
☐ x Other (specify): Child custody and visitation

- b. Are there any domestic violence restraining/protective orders now (criminal, juvenile, family)?

x No Yes If yes, attach a copy if you have one.

What orders do you want? Check the boxes that apply to your case. ☒**6 x Personal Conduct Orders**

I ask the court to order the person in (2) not to do the following things to me or any of the people listed in (3):

- a. x 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. x Contact (either directly or indirectly), or telephone, or send messages or mail or e-mail

*The person in (2) will be ordered not to take any action to get the addresses or locations of any protected person, their family members, caretakers, or guardians unless the court finds good cause not to make the order.***7 x Stay-Away Order**

I ask the court to order the person in (2) to stay at least 100 yards away from (check all that apply):

- a. Me e. x The children's school or child care
b. x The people listed in (3) f. My vehicle
c. x My home g. Other (specify):
d. My job or workplace

If the person listed in (2) is ordered to stay away from all the places listed above, will he or she still be able to get to his or her home, school, job, or place of worship? x Yes No (If no, explain):

8 Move-Out Order

I ask the court to order the person in (2) to move out from and not return to (address):

I have the right to live at the above address because (explain):

9 x Child Custody, Visitation, and Child Support

I ask the court to order child custody, visitation, and/or child support. You must fill out and attach Form DV-105.

10 Spousal Support*You can make this request only if you are married to, or are a registered domestic partner of, the person in (2) and no spousal support order exists. To ask for spousal support, you must fill out, file, and serve Form FL-150 before your hearing.***This is not a Court Order.****Request for Order**
(Domestic Violence Prevention)

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:

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 what you need to do.

This is not a Court Order.

Your name: Michele Lally GAL for Oliver J. Lally-Roep

Case Number:

D472021

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

(19) ☒ More Time for Notice

I need extra time to notify the person in (2) about these papers. Because of the facts explained on this form, I want the papers served up to 5 days before the date of the hearing. *For help, read Form DV-210-INFO.*

If necessary, add additional facts:

(20) Other Orders

What other orders are you asking for?

Check here if you need more space. Attach Form MC-020 and write "DV-100, Item 20—Other Orders" by your statement.

(21) Guns or Other Firearms

I believe the person in (2) owns or possesses guns or firearms. Yes No ☒ I don't know

If the judge approves the order, the person in (2) will be required to sell to a gun dealer or turn in to police any guns or firearms that he or she owns or possesses.

(22) Describe the most recent abuse.

a. Date of most recent abuse: on going abuse

b. Who was there? respondent and my son

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

When our son is with his father, he is terrified of him. My son tells me his father drinks every night. Respondent becomes verbally abuse towards him. Often, respondent will lock my son out of the house. Respondent is abusing our son and he's needs to stop. I need to protect my son until we come to court on 11/10/08. I am respectfully seeking for this order to be granted.

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

e. Describe any injuries: In the past, I obtained a TRO against the respondent. He physically abused me and our son case no. D472021

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.

☒ *Check here if you need more space. Use Form MC-020 and write "DV-100, Item 22—Recent Abuse" by your statement.*

Check here if the person in (2) has abused you (or your children) other times. Use Form DV-101 or Form MC-020 to describe any previous abuse.

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: October 03, 2008

Michele Lally GAL for Oliver J. Lally-Roepke
Type or print your name

Sign your name

This is not a Court Order.

**Request for Order
(Domestic Violence Prevention)**

PLAINTIFF/PETITIONER:

CASE NUMBER:

DEFENDANT/RESPONDENT:

Michele Cally
Clifford L. Roepke

D472021

DECLARATION

(This form must be attached to another form or court paper before it can be filed in court.)

Friday Oct. 10. 2008 At the advice of several professionals from the Family Justice Center and the court facilitator I picked our son Oliver up from school early as he was very afraid to go with his father due to the past visit and the incidents that happened with the police and Mr. Roepke's excessive drinking while Oliver was in his care.

I informed Mr. Roepke by phone call and by email that I was going to pick Oliver up from school because Oliver was still afraid and I hoped that he could agree for the benefit of Oliver. I also urged him to call Oliver and apologize for his behavior and see if he could talk Oliver into going for his visitation. He returned this advice with threats, verbal abuse, and screaming at me, but never attempted.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 10.14.08

Michele Cally
(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

☐ Attorney for ☒ Plaintiff ☐ Petitioner ☐ Defendant
☐ Respondent ☐ Other (Specify):

DEFENDANT/RESPONDENT:

CASE NUMBER

Michelle Calk

Clifford Roepke

D472021

DECLARATION

(This form must be attached to another form or court paper before it can be filed in court.)

to call Oliver. We went to the Family Justice Center after school to finish killing out paperwork and seek advice. I called Tom Roff from CPS and explained what had happened and he said he had not yet had time to contact Mr. Roepke, but he would.

Oliver was terrified about going home so we stopped at his friend's house and they invited him to the movies for the evening. When I arrived home our front door handle was broken off and lying at door (called police and made a report. Incident # 08160224SL. Once again no one saw anything.

Sunday night Oliver complained of a stomach ache and started throwing up due to nerves about going to school the following day. Afraid his "dad would take him", I told him we would see how he felt in the morning. I kept him home. Again Tuesday he was afraid I told him to try and call if he couldn't do it.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 10.14.08

Michelle Calk

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

☐ Attorney for ☒ Plaintiff ☐ Petitioner ☐ Defendant
☐ Respondent ☐ Other (Specify):

DEFENDANT/RESPONDENT:

Michelle Lally

Clifford Ralpee

0472021

DECLARATION

(This form must be attached to another form or court paper before it can be filed in court.)

Thurs. evening Oct. 2 2008 my son Oliver called me and said his dad said it was OK to pick him up early, that evening because he needed his mass uniform for school the next day, he told me his dad wanted me to call him first to OK it w/ him. I called Clifford and asked. he said fine pick him up, after which he proceeded to scream at me on the phone about a court appearance the next morning. I hung up the phone while he was still screaming and called Oliver back to tell him I was on my way and could still hear Clifford screaming through Oliver's phone. I asked Oliver if he was OK and that I was leaving now. He said hurry! On the drive there he text me 2-3 times to say please hurry mom. I'm scared. When I arrived Oliver was running down the street with his phone to his ear barefoot. Clifford was chasing him. Oliver jumped in my car and we drove around the corner while Clifford was chasing us on foot. Oliver had called "911" before I arrived because he was frightened. He said his dad had been in a bad mood all night screaming at him and drinking. The police showed up and talked to Oliver for some time and then me; (Officer Dorrah went to Clifford's house to talk to him. Officers, TANO and Dorrah incident # 647667). Officer TANO told me to take Oliver home, I explained that I didn't want to get in trouble because technically his dad had him until the next morning. Officer TANO assured me there would be no problem and it wasn't a good idea to go back in his dad's house anyway. I agree Oliver had not yet eaten it was around 9 p.m. He was still scared. Next morning Oliver expressed fear about going.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 10.8.08

Michelle Lally

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

☐ Attorney for☐ Plaintiff☒ Petitioner☐ Defendant☐ Respondent☐ Other (Specify):

MICHAEL L. LAMM

DEFENDANT/RESPONDENT:

Linda R. Rodehe

D47202

DECLARATION

(This form must be attached to another form or court paper before it can be filed in court.)

going to school that "his dad might take him". I tried to assure him that wouldn't happen, but he was scared and I didn't feel it was best to send him to school so upset. I went to court, tried to ask bailiff if judge would listen, told to talk to FCS. Went to facilitator, got ~~it~~ went to FCS was referred to family justice center.

Took Oliver to family justice center talked to

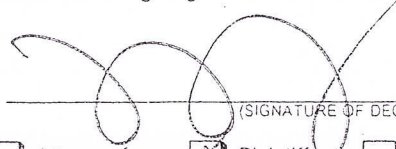
RoxAnn Tagg. she recommended a temporary restraining order after talking to Oliver. Oliver had previously gone to the school principal Mrs. Lowell. that Tues ~~Oct~~ Sept. 30 to tell her he was having a hard time being at his dad's AS all his dad did was yell at him and drink and he couldn't get his homework done and had trouble concentrating. We waited all day and a gentleman from the justice center asked if we were safe as he could file the papers until Mon. I told him I believed Clifford would be in the Bay area because he worked there and yelled at me the previous night about changing a flight. I was told to call Mon. and come in to sign papers for a temporary restraining order. I called Mr. Chuvas, minors counsel Friday expressed we had an emergency could he please call. Nothing. Monday morning I called Family Justice Center and got a different woman. She suggested I go to the court and talk to the facilitator and get an "emergency ~~the~~ modification of

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 10.8.03

MICHAEL L. LAMM

(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)

☐ Attorney for ☒ Plaintiff ☐ Petitioner ☐ Defendant
☐ Respondent ☐ Other (Specify):

Michele WARD
 DEFENDANT/RESPONDENT:

C. J. Ford Roepke

10/7/2008

DECLARATION

(This form must be attached to another form or court paper before it can be filed in court.)

custody order. If that failed to go get a restraining order. Monday when I got home a card was on my door from CPS, Tom Ruff, asking me to please call. So I called and we made an appointment for the next day Tues. Oct 7, 2008. He had gone to Oliver's

school that day, Monday Oct. 6, 2008 and talked to Oliver. I asked his advice, confirmed Oliver was scared and said he was not going with his dad over the coming weekend. He agreed I should first go to the facilitator and get an emergency modification of custody order if that failed get a ^{temporary} restraining order to protect Oliver. He also recommended that I ask that Oliver be able to speak with the judge as he seemed, to think Oliver was old enough and mature to voice his own opinions.

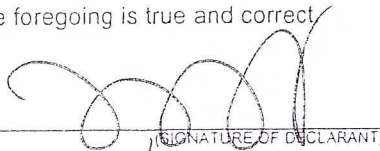
I called Mr. Chuvas again. left a message asking for a return call or time I ~~could~~ could talk to him as we had a situation that needed prompt attention. Mr. Chuvas left me a message finally stating I need to try and resolve our situation. Mr. Chuvas was unaware of what happened as

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 10.8.08

Michele WARD

(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)

☐ Attorney for ☒ Plaintiff ☐ Petitioner ☐ Defendant
☐ Respondent ☐ Other (Specify):

Michele Cally

DEFENDANT/RESPONDENT:

Cl. Alfred Roephe

D472021

DECLARATION

(This form must be attached to another form or court paper before it can be filed in court.)

I am never able to reach anything but his machine, before he was to get involved.

I had tried this avenue in the summer.

to no avail. Mr. Roephe had called the police to say "someone abducted Oliver"

the police came to my home, I showed them the court order they talked to Oliver and realized it was a bogus call. I asked if he shouldn't get in trouble for calling 911 on a very pressing matter when it was completely FALSE? Mr. Roephe also made Oliver drive with him on July 4 after consuming numerous beers. Oliver objected, and was forced to get in car anyway.

I feel Mr. Roephe takes all his anger on me out on Oliver as I keep my distance.

I want Oliver to have a healthy relationship with his father, but he should not be afraid and threatened. It is not the first time CPS has been called or Oliver has made accusations about being afraid of his father. I just feel no one listens.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 10.8.08

Michele Cally

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

☐ Attorney for ☒ Plaintiff ☐ Petitioner ☐ Defendant
☐ Respondent ☐ Other (Specify):

Principal recommended
 Oliver be able to
 speak to school counselor
 when needed need parental
 signature both parents

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

Your name: Michele Lally x Mom Dad Other

Other parent's name: Clifford Roepke Mom x Dad Other

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 and finish the form. If you do not want a change, skip to and finish the form.

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.

x 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</u>	<u>06/30/95</u>	x			x		
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: _____

Child's Address

Where has the child in 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 a's addresses:

Child a lived with:

Mom Dad Other*

Dates lived there:

P.O. Box 95, La Jolla, CA

x

2001 to present

3693 Caminito Cielo Del Mar S.D. CA

_____ to _____

_____ to _____

_____ to _____

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

Other Children's Addresses

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

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: Michele Lally

Case Number:

D472021

Other custody case?

Were you involved in, or do you know of, any other custody case for any child listed in this form?

No ☐ Yes ☒ If yes, fill out below:

a. Name of each child in other custody case: Oliver J. Lally-Roepke

b. Type of case: ☒ Divorce ☐ Guardianship ☐ Adoption ☐ Juvenile ☐ Other (specify): _____

c. I was a ☐ Witness ☒ Party ☐ Other (specify): _____

d. Court (name): Family Court House

Address: 1555 6th Ave City: San Diego State: CA

e. Date of court order: 10/07

Other people claim to have custody?

Do you know of anyone who is not involved in this case who has or claims to have custody or visitation rights with any child listed on this form? ☒ No ☐ Yes If yes, fill out below:

Name and address of that person:

☐ Has custody ☐ Claims custody rights ☐ Claims visitation rights

For these children (name of each child):

Check here if you need more space. Attach a sheet of paper and write "DV-105, Item 9" by your statement.

☒ **Visitation**

I ask the court to order that the person in _____ have the following temporary visitation rights:

(Check all that apply)

a. ☒ No visitation until the hearing

b. ☒ No visitation after the hearing

c. The following visitation _____ until the hearing _____ after the hearing

(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.
(day of week) (time) (day of week) (time)

(2) **Weekdays (starting):** _____
from _____ at _____ a.m. p.m. to _____ at _____ a.m. p.m.
(day of week) (time) (day of week) (time)

(3) **Other Visitation**

Attach a sheet of paper with other visitation days and times, like holidays, birthdays, sports events.

List dates and times. Write "DV-105, Item 10 — Visitation" by your statement.

This is not a Court Order.



Your name: Michele Lally

Case Number:

D472021

Supervised Visitation

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

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

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

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): _____

☒ 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): _____

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 DV-108.

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.

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.