

POLICY WEBINAR | JULY 2022

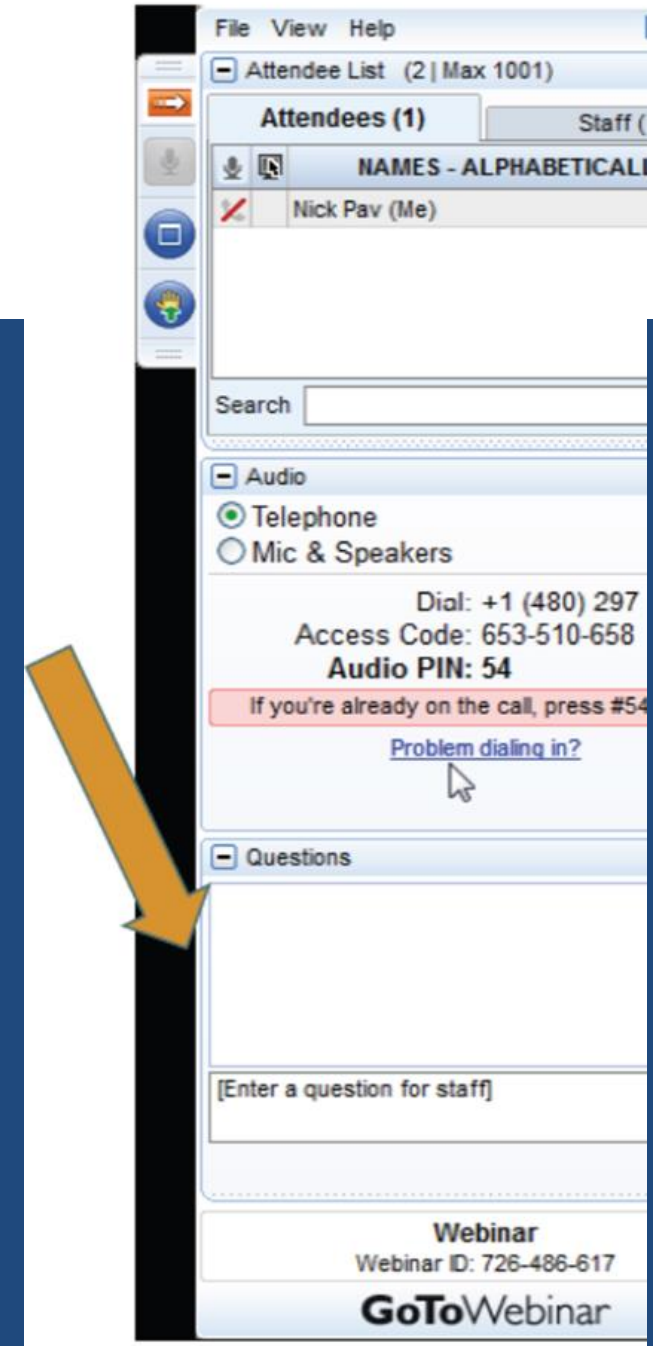
Family Law and Restraining Orders 101: Navigating Family Court

ALLIANCE
for CHILDREN'S
RIGHTS



LOGISTICS

- Webinar resources, including recording and supplemental materials, will be posted at <https://allianceforchildrensrights.org/resources/>
- All attendees are muted during webinar.
- Please submit questions using the “Questions” function on your GoToWebinar dashboard.



The screenshot displays the GoToWebinar interface. At the top, there is a menu with 'File', 'View', and 'Help'. Below this is a window titled 'Attendee List (2 | Max 1001)'. The 'Attendees (1)' tab is active, showing a list of attendees under the heading 'NAMES - ALPHABETICAL'. The only attendee listed is 'Nick Pav (Me)'. Below the attendee list is a search bar. The 'Audio' section is expanded, showing 'Telephone' selected and 'Mic & Speakers' unselected. Below the audio settings, the dialing information is displayed: 'Dial: +1 (480) 297', 'Access Code: 653-510-658', and 'Audio PIN: 54'. A red banner below this information reads 'If you're already on the call, press #54'. A blue link 'Problem dialing in?' is visible. The 'Questions' section is also expanded, showing a text input field with the placeholder '[Enter a question for staff]'. At the bottom of the interface, the text 'Webinar Webinar ID: 726-486-617' and the 'GoToWebinar' logo are visible. A large orange arrow points from the left side of the interface towards the 'Questions' section.

Family Law & Restraining Orders 101: Navigating Family Court



WHAT WE'LL COVER

- Rights Before Court
- Rights After Court
 - Parentage
 - Custody
 - Legal
 - Physical
 - Visitation
 - Child Support
 - Path of a Family Law Case
- Restraining Orders



Introductory Poll



- 1. Do mothers ever have to pay child support to fathers?**
- 2. If the court granted Katie “sole custody” of her daughter Sammy, does that mean Katie gets to decide if Sammy’s father gets visits with Sammy?**

WHICH COURTS CAN ADDRESS CHILD CUSTODY ISSUES?



Juvenile Court:

- Juvenile Dependency Court hears cases that are filed by DCFS alleging abuse or neglect of a child by a parent. Dependency Court can make orders related to custody, visitation, and parental rights.
- Juvenile Delinquency Court can also make orders related to abuse, neglect, and custody of youth subject to its jurisdiction.



Probate Court:

- Probate Court hears cases brought by parents or caregivers to establish/terminate guardianships for children who are not involved in the dependency court system. Probate Court makes orders related to custody and visitation, but cannot terminate a parent's parental rights.



Family Court:

- Family Court hears cases filed by (mostly) parents regarding domestic disputes, including divorce and separation, custody and visitation, child and spousal support, property division, and restraining orders.

BEFORE COURT: WHO HAS RIGHTS? WHAT RIGHTS?

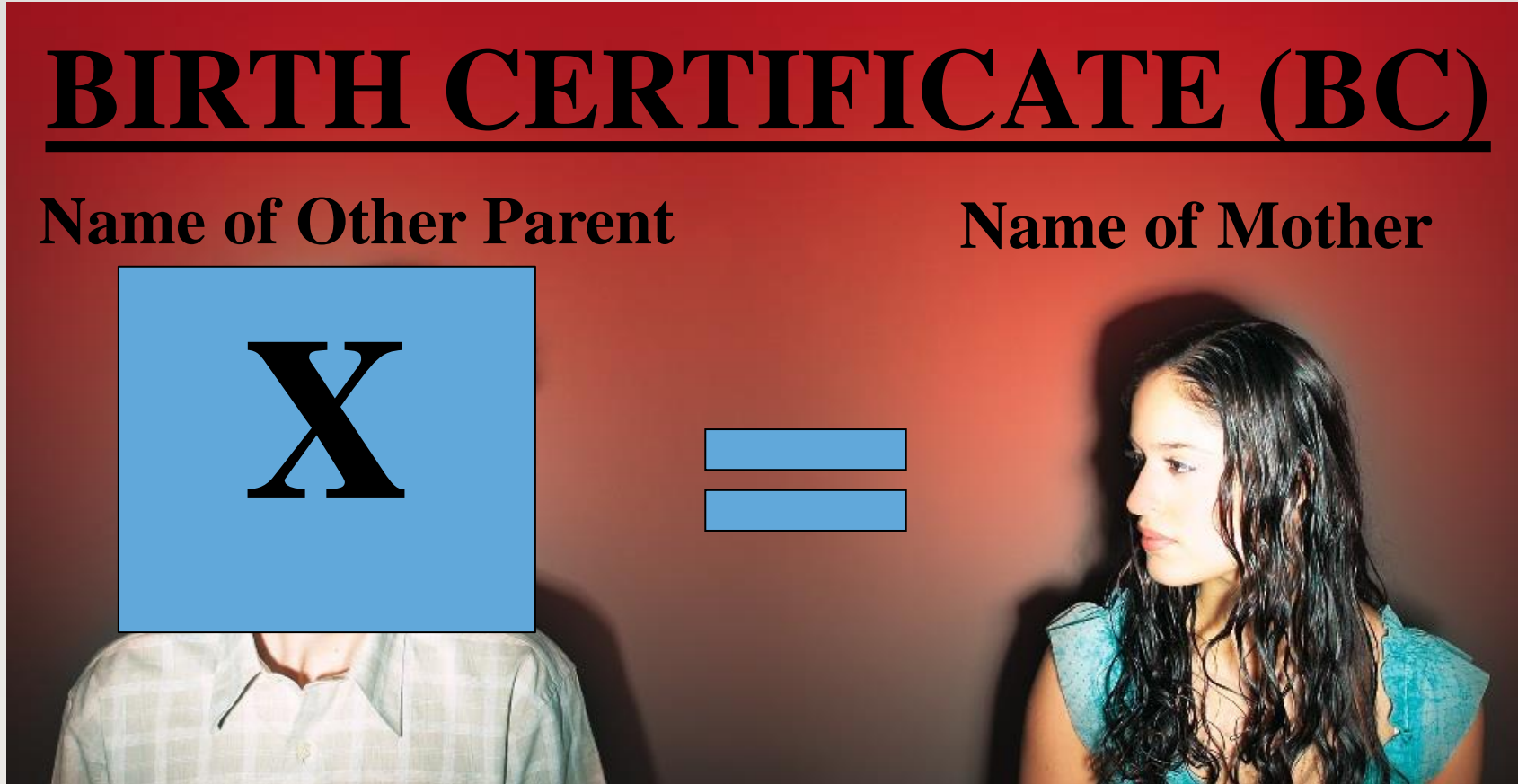
BIRTH CERTIFICATE (BC)

Name of Other Parent

Name of Mother

X

=



HOW DO YOU GET ON THE BC?

STATE OF CALIFORNIA - HEALTH AND HUMAN SERVICES AGENCY
DECLARATION OF PATERNITY
 CS 005 (1/08)
 INSTRUCTIONS: PLEASE READ PAGE 1 AND 2 BEFORE COMPLETING

DEPARTMENT OF CHILDREN & FAMILIES
 SEND ORIGINAL (White Copy) TO: DCSS - Paternity Opportunity Program
 PO Box 419070
 Rancho Cordova, CA 95741-9070

SECTION A ALL PARTS OF SECTIONS A & B SHALL BE COMPLETED AND EITHER SECTION C OR D WITNESSED
 CHANGES CANNOT BE MADE TO THIS FORM ONCE IT IS FILED WITH THE STATE

Child	NAME OF CHILD (FIRST, MIDDLE, LAST) [REDACTED]	DATE OF BIRTH (Month, Day, Year) 5/27/12	SEX Female
Place of Birth	HOSPITAL Kaiser Hospital	CITY Los Angeles	COUNTY Los Angeles
Father's Information	NAME (FIRST, MIDDLE, LAST) [REDACTED]	DATE OF BIRTH (Month, Day, Year) [REDACTED]	SOCIAL SECURITY NO. (Last, First, Middle Initial) [REDACTED]
	CURRENT ADDRESS (NUMBER, STREET, CITY, STATE, ZIP) [REDACTED]	Los Angeles	CA
Mother's Information	NAME (FIRST, MIDDLE, LAST) [REDACTED]	DATE OF BIRTH (Month, Day, Year) [REDACTED]	SOCIAL SECURITY NO. (Last, First, Middle Initial) [REDACTED]
	CURRENT ADDRESS (NUMBER, STREET, CITY, STATE, ZIP) [REDACTED]	Los Angeles	CA

SECTION B READ OTHER SIDE BEFORE SIGNING

I declare under the penalty of perjury under the laws of the State of California that I am the biological father of this child named on this declaration, and that the information here provided is true and correct. I have read and understand the rights and responsibilities described on the back of this form. I understand that by signing this form, I am consenting to the establishment of paternity, thereby resolving those rights. I am assuming all of the rights and responsibilities as the biological father of this child. I wish to be named on the father on the child's birth certificate.

I have read and fully understood my rights and responsibilities.

I declare under the penalty of perjury under the laws of the State of California that I am the unmarried natural mother of the child named on this declaration and that the information here provided is true and correct. I have read and understand the rights and responsibilities described on the back of this form. I certify that the man signing this form is the only possible father of this child. I know that by signing this form I am establishing the man signing this form as the biological father of this child with all the rights and responsibilities of a biological father under the laws of California. I consent to the establishment of paternity by signing this form. I have read and fully understood my rights and responsibilities.

SIGNATURE OF FATHER [REDACTED]	DATE SIGNED 5/27/12	SIGNATURE OF MOTHER [REDACTED]	DATE SIGNED 5/27/12
SECTION C TO BE COMPLETED BY A WITNESS AT THE HOSPITAL, AGENCY OR CLINIC (PLEASE PRINT AND SIGN)			
DECLARATION WITNESSED BY (SIGNATURE AND PRINTED NAME) [REDACTED]		DATE SIGNED 5/27/12	
TITLE OF AGENCY, HOSPITAL, CLINIC OR OTHER: Kaiser Hospital			
CURRENT ADDRESS (NUMBER, STREET, CITY, STATE, ZIP) 48107 Sunset Blvd. Los Angeles CA 90027			

SECTION D TO BE COMPLETED BY A NOTARY PUBLIC IF SECTION C IS NOT WITNESSED ABOVE

State of _____ County of _____

On _____ before me, _____ (Notary Public), personally appeared _____

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that his/her/their signature(s) on the instrument is/are the signature(s) of the party upon behalf of which the person(s) acts, executes the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing copying is true and correct.

WITNESS my hand and official seal. _____ (SEAL)

BOTH parents sign a Voluntary Declaration of Paternity

- Also called VDP or POP Dec
 - Usually done at the hospital - \$\$
- Or**
- Parents were married and living together at the time of conception and birth (FC §7540);
- Or**
- Go to court, establish parentage, and get an order to amend the BC.

DISTRIBUTION: Original White Copy - DCSS Yellow & Pink Copies - Parents Green Copy - Local Child Support Agency

DEADLINE TO DOUBT

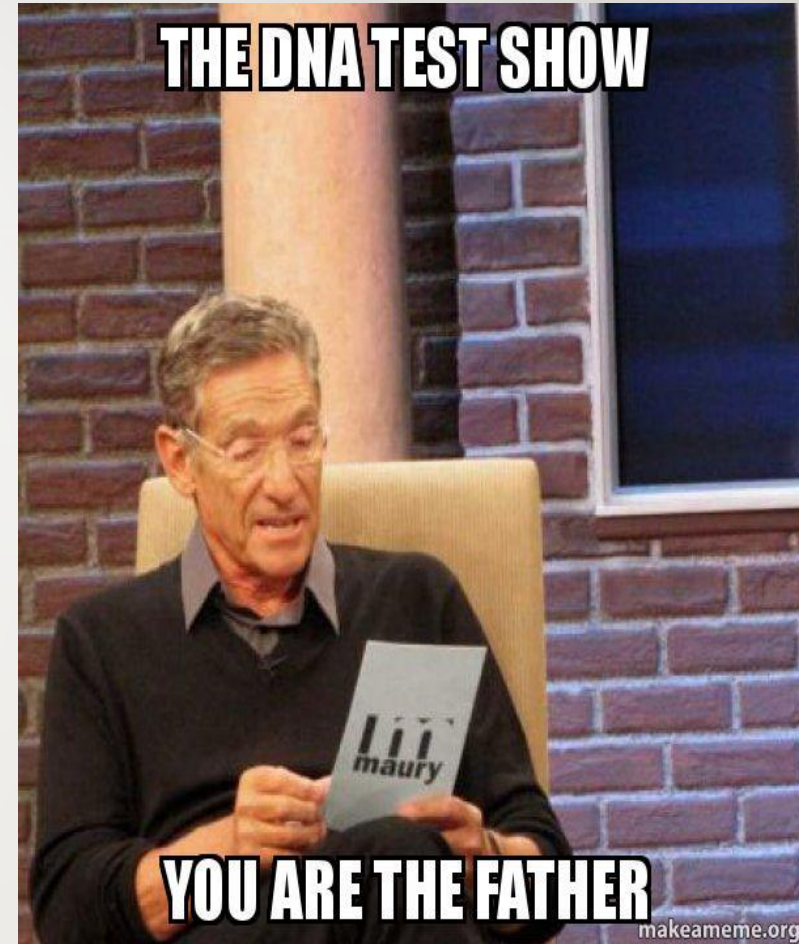


- **Before baby turns 2 years old:**
 - Either parent may challenge the Voluntary Declaration of Paternity and ask the Court to set it aside and order DNA testing.
- **After baby turns 2 years old:**
 - It's too late to challenge the Voluntary Declaration of Paternity, even if DNA testing shows either person is not a biological parent.

DEADLINE TO DOUBT HYPO: WHO IS DELILAH'S LEGAL FATHER?

Monica was in a relationship with Felipe for years before they broke up. Monica then started dating Oscar, and soon found out she was pregnant. Monica and Oscar both knew that Oscar could not be Delilah's biological father. Nevertheless, Monica and Oscar agreed to list Oscar as Delilah's father on the birth certificate. Felipe heard that Monica was pregnant and suspected off and on that he might be Delilah's biological father, but didn't take any action. During this time, Oscar had been holding himself out as Delilah's father to the public and Delilah knows him as her father. When Delilah is three, Monica, Oscar, and Felipe went on the Maury Show and confirmed that Felipe was Delilah's biological father.

- **If Felipe goes to Family Court, who is most likely to be found to be Delilah's Legal Father, Oscar or Felipe?**

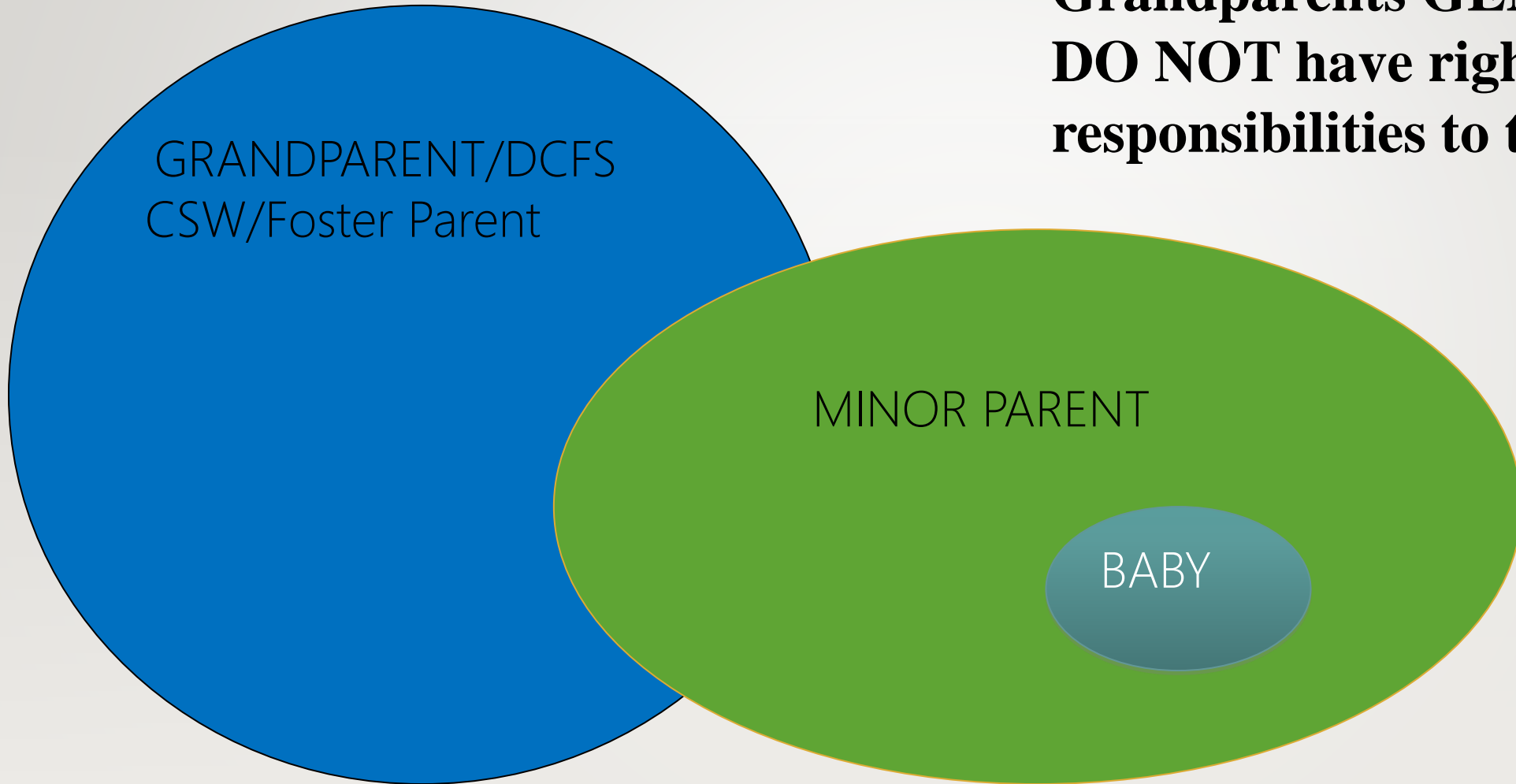


Breanna's Story

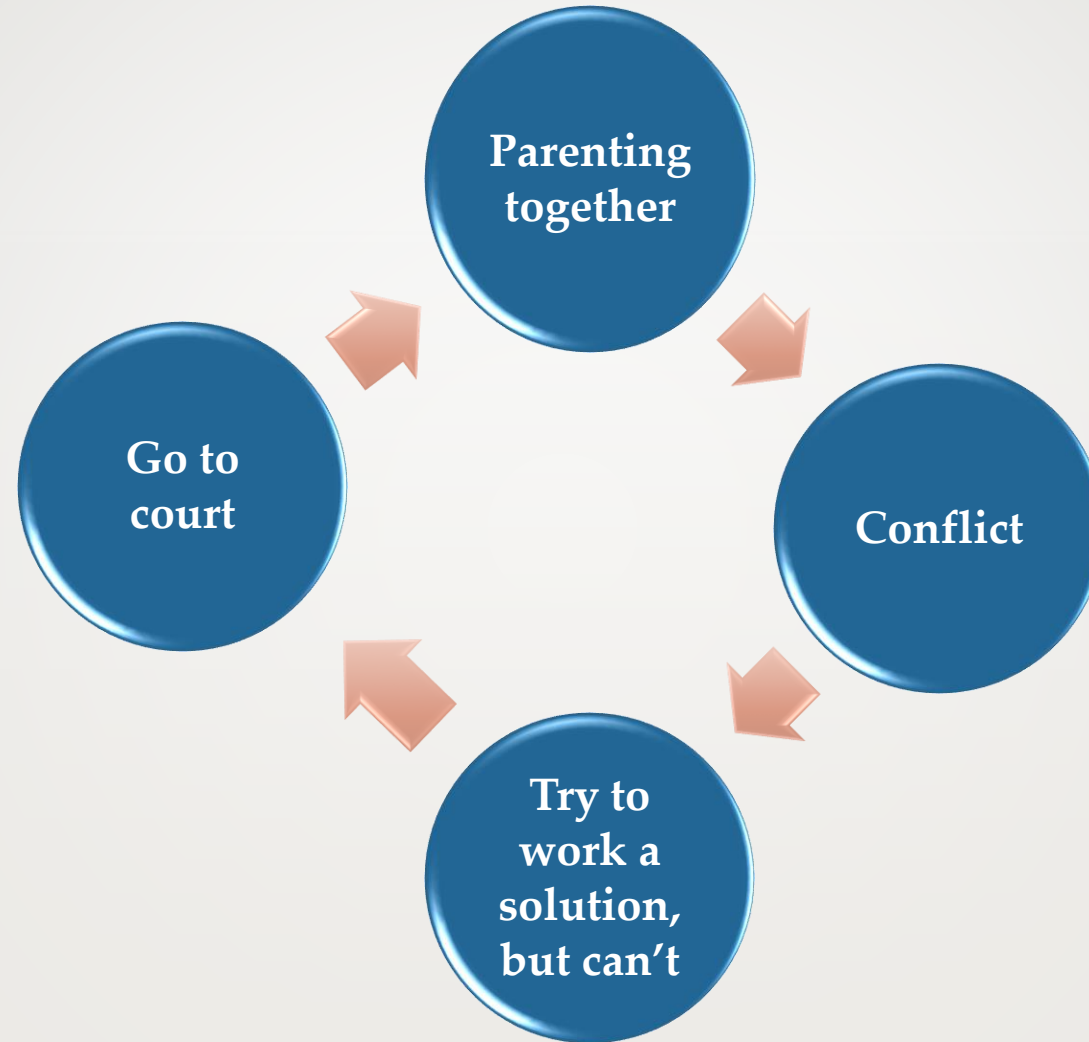


THE MYTH OF “GRANDPARENTS’ RIGHTS”

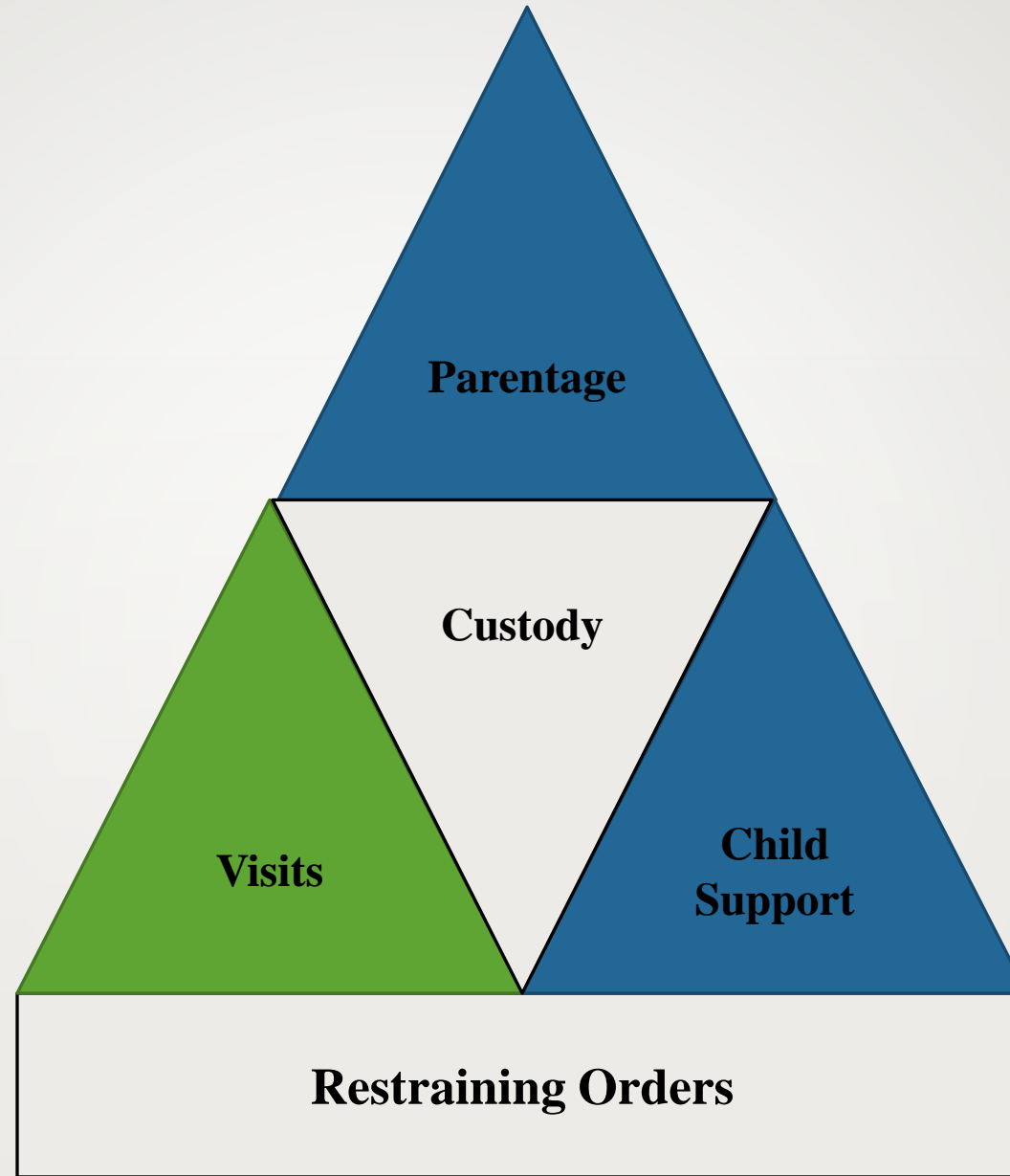
**Grandparents GENERALLY
DO NOT have rights or
responsibilities to the baby.**



SHOULD YOU GO TO COURT?



WHAT CAN
THE COURT
DO?



CUSTODY: YOUR PARENTING PLAN – PART 1

Legal
Custody

Who makes
the
decisions?

Physical
Custody

Where does
the child
live?

JOINT v. SOLE

VISITS: YOUR PARENTING PLAN – PART 2

Supervised visits?

Pick-up and
drop-off at your
house?

Step up plan?



Visits on Mother's
or Father's Day?

Scheduled phone calls?

But remember:

- FC §3100: reasonable visits unless detrimental to the child.
- FC §3020: it's in a child's best interest to have frequent & continuing contact with both parents.

THE BEST INTERESTS OF YOUR CHILD



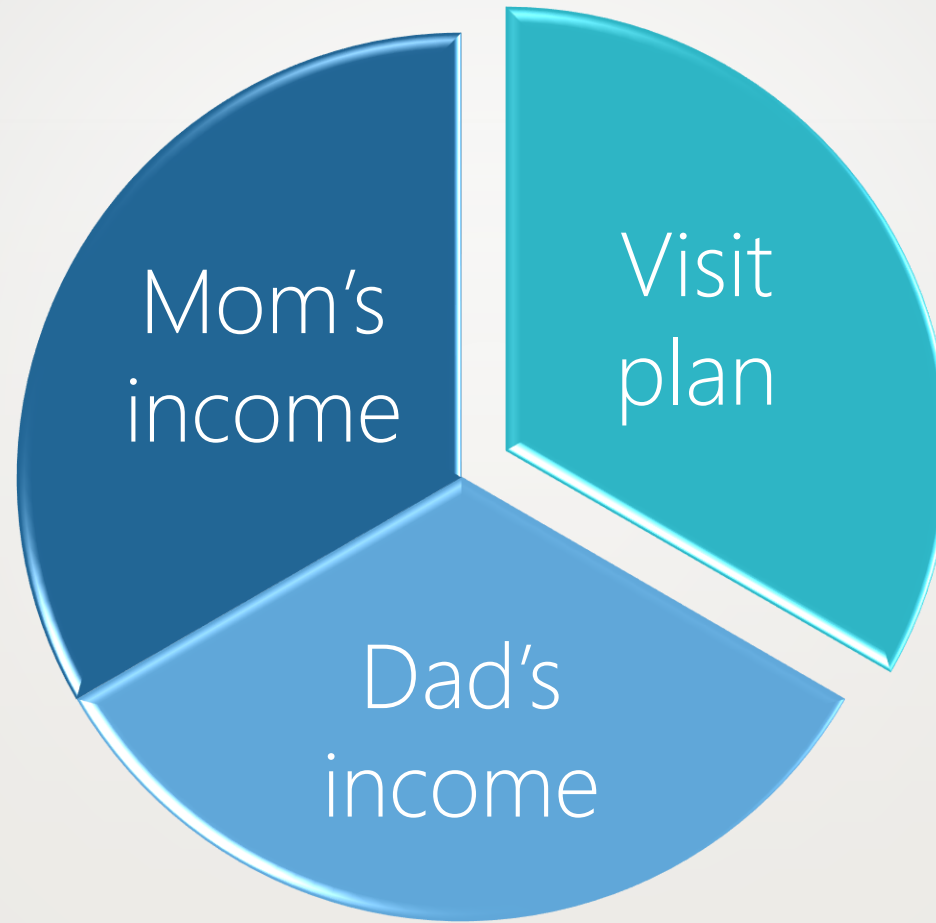
Health, Safety, & Welfare (FC § 3011)

- **Previous visit schedule**
- **Withholding without reason?**
- **Domestic violence**
- **Drug or alcohol abuse**

EVIDENCE: THE COURT ONLY KNOWS WHAT YOU TELL IT

- **What evidence should you bring**
 - Relevant to health, safety, and welfare – best interests of the child!
 - Will the parent encourage a relationship with other parent?
 - Does either parent have a history of drugs/alcohol abuse? Domestic violence? Violent criminal record? Past DCFS investigations leading to child removal?
 - Has the child had contact with the other parent in the past? How often? How has the child behaved during/after those interactions?
- **What “evidence” isn’t as good as you think**
 - Cheating, they have other babies, etc.
 - “They were not around before, so they should not be allowed to come around now or ever again.”
 - General statement that “it would be bad for the child to know their other parent.”
 - IF there’s a REALLY good reason, then provide details!

CHILD SUPPORT = GUIDELINE



CHILD SUPPORT = GUIDELINE (cont.)

SHARON BALMER CARTAGENA, LOS ANGELES CENTER FOR LAW AND JUSTICE Petitioner	
DISSOMASTER REPORT 2013 Monthly	

Input Data	Father	Mother	Guideline (2013) Nets (adjusted)	Cash Flow Analysis Guideline	Father	Mother
Number of children	0	1	Father	Payment (costly/benefi	0	0
% time with NCP	20%	0%	Mother	Net spendable income	0	0
Filing status	Single	Full FMLA	Total	% combined spendable	0%	0%
# Federal exemptions	1*	2*	Support	Total taxes	0	0
Wages + salary	0	0	Presumed	# withhold ng	0	0
Self-employment income	0	0	Basic CS	allowances	0	0
Other taxable income	0	0	Add-ons	Net wage paycheck/mo	0	0
TANF plt. a CS received	0	0	Per Kid	Proposed		
Other nontaxable income	0	0	Child 1	Payment (costly/benefi	0	0
New-spouse income	0	0	Santa	Net spendable income	0	0
Wages + salary	0	0	Clara SS	NSI charge from gdl	0	0
Self-employment income	0	0	Total	% combined spendable	0%	0%
SS paid other marriage	0	0	Proposed, tactic 9	% of saving over gdl	0%	0%
Retirement contrib if ATI	0	0	Presumed	Total taxes	0	0
Required union dues	0	0	Basic CS	# withhold ng	0	0
Nec job-related exp.	0	0	Add-ons	allowances	0	0
Adj. to income (ATI)	0	0	Per Kid	Net wage paycheck/mo	0	0
SS paid other marriage	0	0	Child 1			
CS paid other relationship	0	0	Santa			
Health insurance	0	0	Clara SS			
Itemized deductions	0	0	Total			
Other medical expenses	0	0	Combined			
Property tax expenses	0	0	Savings			
Ded. interest expense	0	0	No releases			
Charitable contribution	0	0	Default Case Settings			
Miscellaneous itemized	0	0				
Required union dues	0	0				
Mandatory retirement	0	0				
Hardship deduction	0*	0*				
Other gdl. deductions	0	0				
AMT info (IRS Form 6251)	0	0				
Child support add-ons	0	0				

Deductions:

- Health Insurance

- Union Dues

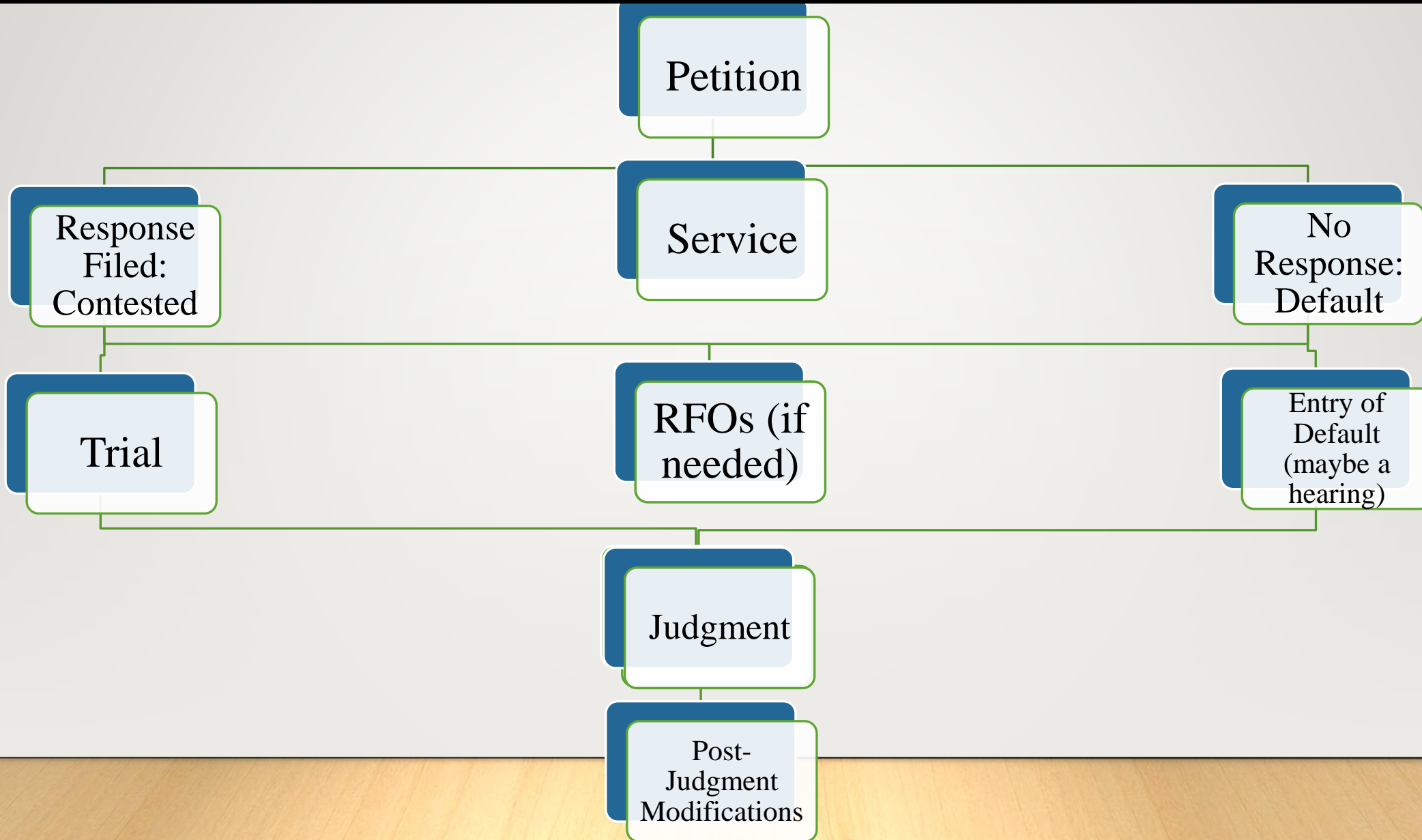
- Government Benefits (some)

Add-ons:

- Daycare Costs



THE LIFE OF A FAMILY LAW CASE



BUT I WANT TO SEE THE JUDGE ...

Request for Orders

- “Temporary” court orders.
- Usually at least 2 month wait, unless:
 - Ex parte = need to show immediate or irreparable harm.
- Does not “finish” a court case.

Request for
Orders (RFO)



Service



Responsive
Declaration



Mediation



Hearing



Order After
Hearing (OAH)

WHAT IS “SERVICE”?

You **CANNOT** serve the other party yourself! It must be **ANYONE** else **over the age of 18**.

- **Personal Service**

- Required when you first open a case **OR** when the Court has no record of the other party’s address **AND** no waiver of service.
- The other party can be served anywhere (home, work, grocery store, etc.).
- The Sherriff can serve for free if you have a fee waiver and can provide the other party’s address.

- **Service by Mail**

- Allowed when the Court has record of the other party’s address **OR** the other party waives personal service.

- **Posting/Publication**

- Process to move case forward if cannot serve other party, **BUT** difficult and time consuming.



QUESTIONS ABOUT
FAMILY LAW COURT?

RESTRAINING ORDERS

- **4 Main Types**
- **Who can grant a restraining order?**
 - Law Enforcement/Criminal Court
 - Family Court
 - General Civil Court
 - Juvenile Dependency Court



EMERGENCY PROTECTIVE ORDERS

- Issued by a judicial officer *upon a request by law enforcement* and provided to client on the spot by an officer in the field
 - Reasonable grounds to believe there is an immediate and present danger of abuse, abduction, or stalking.
 - May cover victim as well as other household members.
- Valid for 5 court days, but no more than 7 calendar days.
 - Count from day following the issuance.



APPLICATION FOR EMERGENCY PROTECTIVE ORDER (CLETS) EPO-001

(Name) _____ has provided the information in items 1-5. LAW ENFORCEMENT CASE NUMBER: _____

1. PERSONS TO BE PROTECTED (insert names of all persons to be protected by this order): _____

2. PERSON TO BE RESTRAINED (name): _____

Sex: M F Ht: _____ Wt: _____ Hair color: _____ Eye color: _____ Race: _____ Age: _____ Date of birth: _____

3. The events that cause the protected person to fear immediate and present danger of domestic violence, child abuse, child abduction, elder or dependent adult abuse (other than solely financial abuse), or stalking are (give facts and dates, specify weapons): _____

4. The person to be protected lives with the person to be restrained and requests an order that the restrained person move out immediately from the address in item 9.

5. a. The person to be protected has minor children in common with the person to be restrained, and a temporary custody order is requested because of the facts alleged in item 3. A custody order does does not exist.

b. The person to be protected is a minor child in immediate danger of being abducted by the person to be restrained because of the facts alleged in item 3.

6. A child welfare worker or probation officer has advised the undersigned that a juvenile court petition has already been filed. will be filed. will NOT be filed.

7. Adult Protective Services has been notified.

8. Judicial officer (name): _____ was contacted on (date) _____ at (time) _____

The judicial officer granted the Emergency Protective Order that follows.

By: _____ (TYPE OR PRINT NAME OF LAW ENFORCEMENT OFFICER) Telephone No.: _____ (SIGNATURE OF LAW ENFORCEMENT OFFICER) Badge No.: _____

EMERGENCY PROTECTIVE ORDER (See reverse for important notices.)

9. To restrained person (name): _____

a. You must not contact, molest, harass, attack, strike, threaten, sexually assault, batter, telephone, send any messages to, follow, stalk, destroy any personal property or, disturb the peace of, or take any action to obtain the address or location of each person named in item 1.

b. You must stay away at least _____ yards from each person named in item 1. stay away at least _____ yards from move out immediately from (address): _____

10. (Name): _____ is given temporary care and control of the following minor children of the parties (names and ages): _____

11. Reasonable grounds for the issuance of this order exist and an emergency protective order is necessary to prevent the occurrence or recurrence of domestic violence, child abuse, child abduction, elder or dependent adult abuse, or stalking.

12. THIS EMERGENCY PROTECTIVE ORDER WILL EXPIRE AT 5:00 P.M. ON: _____ (INSERT DATE OF FIFTH COURT DAY OR SEVENTH CALENDAR DAY, WHICHEVER IS EARLIER. DO NOT COUNT DAY THE ORDER IS GRANTED.)

PROOF OF SERVICE

14. Person served (name): _____

15. I personally delivered copies to the person served as follows: Date: _____ Time: _____ Address: _____

16. At the time of service I was at least 18 years of age and not a party to this cause I am a California sheriff or marshal.

17. My name, address, and telephone number are (this does not have to be servor's home telephone number or address): _____

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

Date: _____ (TYPE OR PRINT NAME OF SERVOR) (SIGNATURE OF SERVOR) Page 1 of 2

Form Adopted for Mandatory Use
A. Approved by the Judicial Branch of California
LPO-001 (Rev. January 1, 2007)
Approved by DTA

EMERGENCY PROTECTIVE ORDER (CLETS-EPO)
(Domestic Violence, Child Abuse, Elder or Dependent Adult Abuse, or Stalking)

Form's Code: 5-0200 as of: 01/01/07
Form Code: 5-0201
www.courtinfo.ca.gov

ONE copy to court, ONE copy to restrained person, ONE copy to protected persons, ONE copy to issuing agency

American LegalNet, Inc.
www.AmericanLegalNet.com

EMERGENCY PROTECTIVE ORDER HYPO

Police respond to a call about fighting and things being smashed at Edgar's house on a Saturday night. When they arrive, they see that Edgar's girlfriend, Elizabeth, has cuts and bruises all over her and says she is scared of Edgar.

- **What evidence will the police likely mention to the judge to convince them to issue a EPO?**



CRIMINAL PROTECTIVE ORDERS

- CPOs take precedence over all other orders!!
- Issued by the criminal court against the criminal defendant where there is a criminal case pending (or post-trial if convicted).
 - Cannot be make mutual orders.
 - Victim can't apply for one.
- May protect any witness, including a victim and members of victim's immediate family.



CR-150

SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	FOR COURT USE ONLY
PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT: _____	
CRIMINAL PROTECTIVE ORDER—DOMESTIC VIOLENCE (CLETS - CPO) (Pen. Code, §§ 136.2, 1203.087(a)(2), 273.5(i), and 646.9(k)) <input type="checkbox"/> ORDER UNDER PENAL CODE, § 136.2 <input type="checkbox"/> MODIFICATION <input type="checkbox"/> PROBATION CONDITION ORDER (Pen. Code, § 1203.087) ORDER UNDER: <input type="checkbox"/> PENAL CODE, § 273.5(i) <input type="checkbox"/> PENAL CODE, § 646.9(k)	CODE NUMBER: _____ CLETS CONTROL ID: _____

This Order May Take Precedence Over Other Conflicting Orders. See Item 1 on Page 2.

PERSON TO BE RESTRAINED: (complete name) _____
 Sex: M F Ht: _____ Wt: _____ Hair color: _____ Eye color: _____ Race: _____ Age: _____ Date of birth: _____
 The defendant is a police officer w/ # _____ Department: _____

1. The proceeding was held on (date) _____ at (time) _____ in Dept. _____ Room: _____
 by judge or officer (name): _____

2. This order expires on (date) _____ If no date is listed, this order expires three years from the date of issuance.

3. Defendant was personally served with a copy of this order at the court hearing, and no additional proof of service of this order is required.

4. COMPLETE NAME OF EACH PROTECTED PERSON: _____

5. For good cause shown, the court grants the protected persons named above the exclusive care, possession, and control of the following animals: _____

GOOD CAUSE APPEARING, THE COURT ORDERS THAT THE ABOVE-NAMED DEFENDANT

6. must not harass, strike, threaten, assault (sexual or otherwise), follow, stalk, molest, destroy or damage personal or real property, disturb the peace, keep under surveillance, or block movements of the protected persons named above.

7. must surrender to local law enforcement or sell to a licensed gun dealer any firearm owned or subject to his or her immediate possession or control within 24 hours after service of this order and must file a receipt with the court showing compliance with this order within 48 hours of receiving this order.

8. must not attempt to or actually prevent or dissuade any victim or witness from attending a hearing or testifying or making a report to any law enforcement agency or person.

9. must take no action to obtain the addresses or locations of protected persons or their family members, caregivers, or guardian unless good cause can be established. The court finds good cause not to make the order in item 9.

10. must have no personal, electronic, telephonic, or written contact with the protected persons named above.

11. must not have no contact with the protected persons named above through a third party, except an attorney of record.

12. must not come within _____ yards of the protected person's and animals named above.

13. may have peaceful contact with the protected persons named above only for the safe exchange of children for court-ordered visitation as stated in the attached Family, Juvenile, or Probate court order in Case No. _____, issued on (date) _____, as an exception to the "no-contact" or "stay-away" provision in paragraph 10, 11, or 12 of this order.

14. may have peaceful contact with the protected persons named above only for the safe exchange of children for visitation as stated in a Family, Juvenile, or Probate court order issued after the date this order is signed, as an exception to the "no-contact" or "stay-away" provision in paragraph 10, 11, or 12 of this order.

15. must not take, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of the animals described in paragraph 5.

16. The protected persons may record any prohibited communications made by the restrained person.

17. Other orders including stay-away orders from specific locations: _____

Date: _____ JUDICIAL OFFICER: _____ Deputized Clerk: _____

Form Adopted by Mandating Act of
 Judicial Council of California
 CR-150 Rev. Jan. 1, 2018
 Approved December 29, 2017

CRIMINAL PROTECTIVE ORDER—DOMESTIC VIOLENCE (CLETS - CPO)

(Penal Code, §§ 136.2, 1203.087(a)(2), 273.5(i), and 646.9(k))

Page 1 of 2
 Penal Code, §§ 136.2, 646.9, 1203.087(a)(2), 273.5(i), and 646.9(k)
 Form Approved
 (Dist. citation: original to file; 1 copy to each protected person; 1 copy to defendant; 1 copy to prosecutor; 1 copy to law enforcement.)

PRINTED ON RECYCLED PAPER
 www.PurpleHollow.com

CRIMINAL PROTECTIVE ORDER HYPO

Christopher gets arrested for beating his boyfriend, Carlos. Carlos is afraid of testifying because Christopher knows where he lives and threatened to hurt him if Carlos ever called the police.

- **What can the criminal judge do to protect Carlos during the trial?**

Christopher is sentenced to six months in jail. Carlos is afraid that Christopher will come after him when he gets out.

- **What can the criminal judge do to protect Carlos after the trial?**



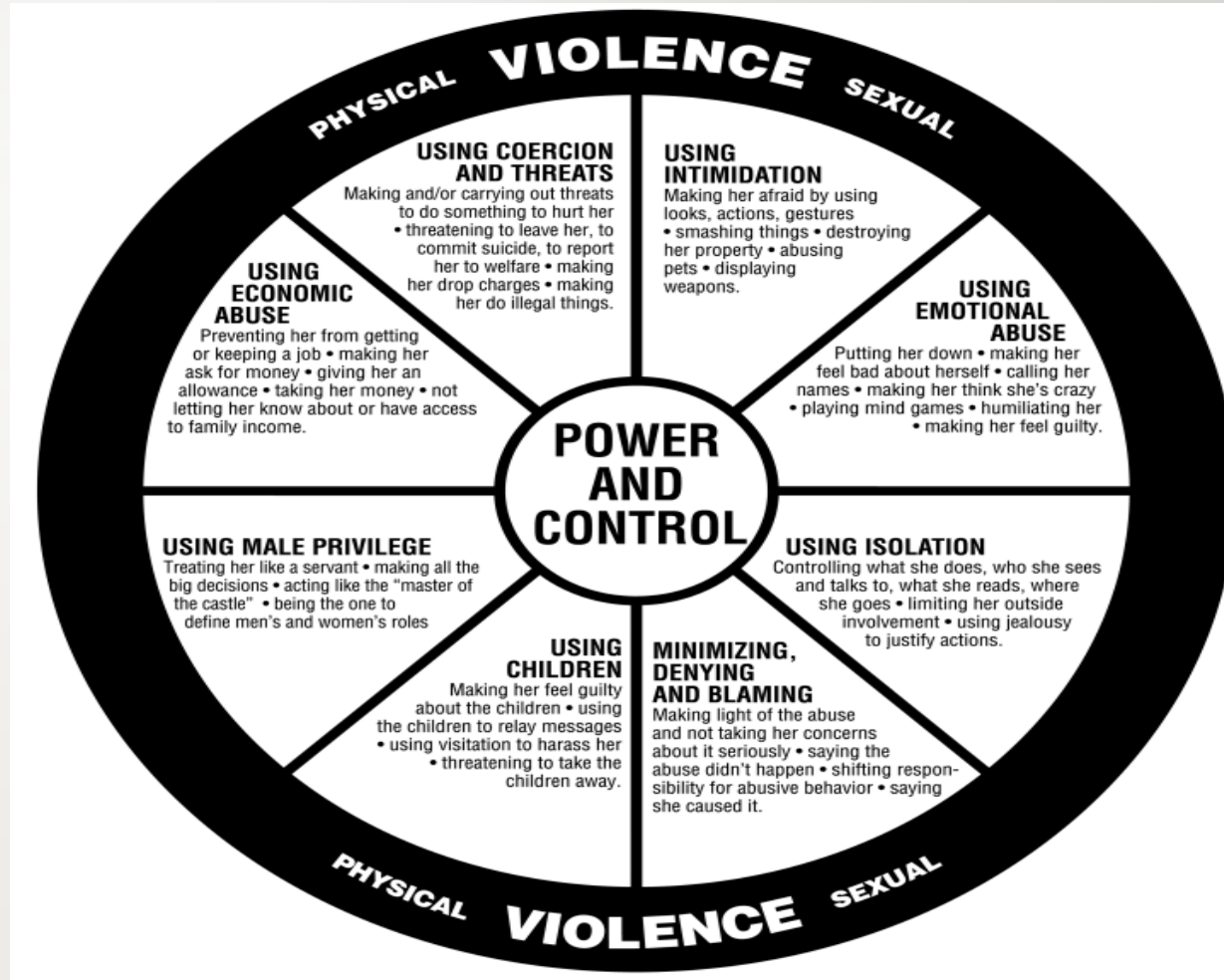
Domestic Violence Restraining Order

A person applying for a DVPA RO needs to show:

- Domestic relationship
- Violence

Possible Relief:

- Conduct Orders
- Stay Away
- Move Out
- Right to Record Unlawful Communications
- Batterer's Treatment
- Custody/visitation orders



DVRO: CUSTODY AND VISITATION

THINGS TO KNOW

- You can ask for custody, visits, and child support as part of a domestic violence restraining order!
- If you do, you will be sent to Family Court mediation. You may ask to be in a separate room.
- **VISITS**: Restrained party will probably get them in some form.
- **CUSTODY**: Victim should get sole legal and physical custody if the RO is granted under FC §3044.

DVRO HYPO

Delilah and Daryl are dating in high school. Everything started off well, but Daryl soon began to change. He began displaying jealousy and forcing Delilah to not talk to any other boys. He would yell at her and put her down, making her feel like she was walking on egg shells. When her friends and family told her to leave him, Daryl threw her phone and punched a wall out of anger. He told her that her friends and family were lying and trying to tear them apart, and threatened to hurt himself if she ever left him.

- **Under these facts, could Delilah seek a DVRO?**
- **What kind of orders can Delilah seek with a DVRO to protect herself from further abuse?**



CIVIL HARASSMENT ORDERS

If harassed by someone other than a relative or current or former romantic partner.

■ **Harassment:**

Unlawful violence **OR** credible threat of violence **OR** knowing/willful course of conduct

+

Directed at a specific person

+

Seriously alarms/annoys/harasses that person

+

Serves no legitimate purpose

CIVIL HARASSMENT ORDER HYPO

Honesti was walking down the street, when Hugh began catcalling her. She kept walking, but Hugh followed her all the way to her apartment. Hugh began showing up at Honesti's home daily to ask her out. Honesti told Hugh no the first few times, but now just ignores him. Hugh still hangs around and has even started telling Honesti's neighbors that they're dating. Honesti has called the police, but they say that they can't do anything because Hugh is standing in the park across her apartment by the time they get there.

- **What important details would we need to know to determine whether Honesti meets the standard for a RO?**
- **What financial risk should Honesti be aware of before going to court?**



DVRO & CHO: HOW TO GET ONE

1. Fill out a written Request for DVRO/CHO and file with court.

- Complete required court forms and prepare accompanying declaration detailing the abuse.
- Include any relevant evidence (police report, photos, texts, etc.)

2. Serve Request (and any Temporary Orders) on the Other Party.

- Person who is seeking the RO cannot serve
 - Any other person over the age of 18 must serve a copy of the documents to the other party **OR** the Sherriff can serve.
- Hearing cannot happen if the other party has not been served
- Person serving docs must complete Proof of Service, and then you file it

3. Attend the hearing for the permanent RO

- Run like trials if contested

HOW TO DEFEND AGAINST A DVRO/CHO

1. File and Serve Your Response (DV-120/CH-120)

- Arrange for someone else to complete service and fill out POS
- You will still be heard at the hearing if you do not file a response, but filing a response gives the Judge the opportunity to “hear” your side of the story before the hearing.

2. Go To Your Hearing

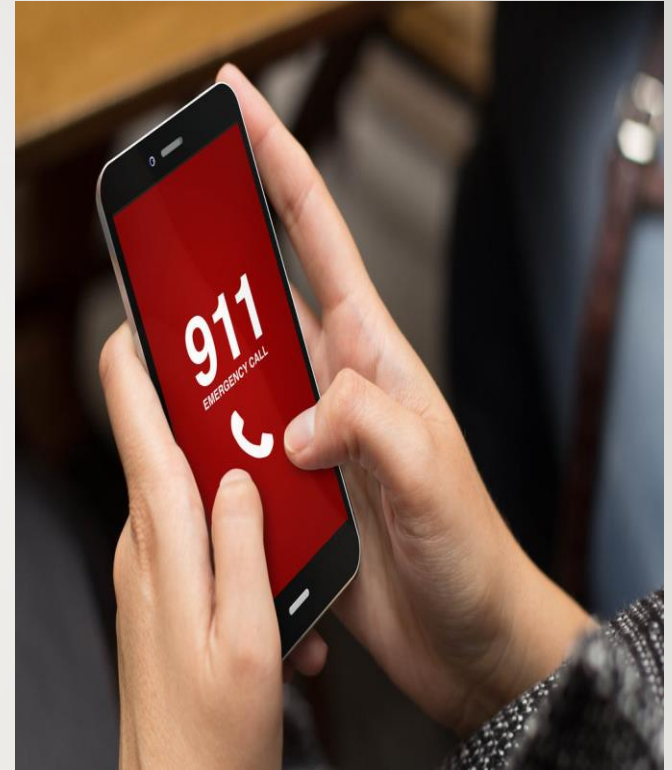
- The Court can make orders against you even if you do not appear at your hearing.
- You can bring witnesses and evidence and you will have the opportunity to cross examine the other party and their witnesses.

HOW TO RENEW A RESTRAINING ORDER

- File renewal request prior to the expiration of the order.
- Need to explain why you are afraid of future abuse, BUT don't need to show that there were additional acts of violence after the original order was granted.
- Automatically granted if not contested (DVROs only).
- If it IS contested, must show that **fear of future abuse is reasonable**.
- EVEN IF THE DVRO EXPIRES ... the custody and visitation orders generally last until the children turn 18 or the orders are modified by a new court order.

HOW TO ENFORCE A RESTRAINING ORDER

- ROs are **only as good as the enforcement!!**
 - Have several copies and make sure local police station has one.
 - Call the police every time Respondent violates RO!!!!!!!!!!
 - Document all incidents that occur;
 - Victim cannot violate, but should not be actively contacting the abuser;
 - Anyone can help enforce the order by contacting police if they have a copy of the order.



RESOURCES

- For resources for survivors of domestic violence, call the National Domestic Violence Hotline: 1-800-799-7233; <https://www.thehotline.org>
- For assistance regarding a DVRO or CHO in LA County, you can:
 - Contact the court's self-help center: 213-380-0845; <https://selfhelp.lacourt.org/details/C04/Topic041/R0049>
 - Visit the court's website: <https://www.courts.ca.gov/1264.htm>
 - Contact a local non-profit agency:
 - Legal Aid Foundation of Los Angeles: 800-399-4529
 - Harriet Buhai Center for Family Law: 213-388-7515
 - Los Angeles Center for Law and Justice: 323-980-2500
 - Public Counsel TAY Program: 213-385-2977 x.500 (*But only for current/former foster youth ages 16-24*)

ALLIANCE *for* CHILDREN'S RIGHTS

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CONNECTED
allianceforchildrensrights.org

Webinar resources, including recording and supplemental materials, will be posted at

<https://allianceforchildrensrights.org/resources/>

**THANK
YOU**



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