

# DV-100(TC)

## Request for Domestic Violence Restraining Order

Clerk stamps date here when form is filed.

You must also complete form CLETS-001, Confidential CLETS Information, and give it to the clerk when you file this Request.

### 1 Name of Person Asking for Protection:

DOB: \_\_\_\_\_

Your lawyer or spokesperson in this case (if you have one):

Name: \_\_\_\_\_ Tribal Bar No.: \_\_\_\_\_  
Firm Name: \_\_\_\_\_

Address (If you have a lawyer or spokesperson for this case, give your lawyer's or spokesperson's information. If you do not have a lawyer and want to keep your home address private, give a mailing address instead. You do not have to give your telephone, fax, or e-mail.):

Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_

Fill in court name and street address:

Tribal Court of:

Court fills in case number when form is

Case Number:

### 2 Name of Person You Want Protection From:

Description of person you want protection from:

Sex:  M  F Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_  
Race: \_\_\_\_\_ Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
Address (if known): \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

### 3 Do you want an order to protect family or household members? Yes No

If yes, list them:

Full name	Sex	Age	Date of Birth	Lives with you?	Relationship to you
_____	_____	_____	_____	Yes No	_____
_____	_____	_____	_____	Yes No	_____
_____	_____	_____	_____	Yes No	_____

Check here if you need more space. Attach a sheet of paper and write "DV-100(TC), Protected People" for a title.

### 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 related by blood, marriage, or adoption (specify relationship): \_\_\_\_\_
- f.  We are dating or used to date, or we are or used to be engaged to be married.
- g.  We are the parents together of a child or children under 18:  
 Child's Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
 Child's Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
 Child's Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
 Check here if you need more space. Attach a sheet of paper and write "DV-100(TC), Additional Children" for a title.
- h.  We have signed a Voluntary Declaration of Paternity for our child or children. (Attach a copy if you have one).

Are you or the person in 2 employed by the Yurok Tribe? Yes No If yes, who: \_\_\_\_\_

**This is not a Court Order.**



**5 Other Restraining Orders and Court Cases**

- a. Are there any restraining/protective orders currently in place OR that have expired in the last six months (emergency protective orders, criminal, juvenile, family)?  
 No  Yes (*date of order*): \_\_\_\_\_ and (*expiration date*): \_\_\_\_\_ (*Attach a copy if you have one*).
- b. Have you or any other person named in ③ been involved in another court case with the person in ②?  
 No  Yes *If yes, check each kind of case and indicate where and when each was filed:*

Kind of Case	County or Tribe Where Filed	Year Filed	Case Number (if known)
<input type="checkbox"/> Divorce, Nullity, Legal Separation	_____	_____	_____
<input type="checkbox"/> Civil Harassment	_____	_____	_____
<input type="checkbox"/> Domestic Violence	_____	_____	_____
<input type="checkbox"/> Criminal	_____	_____	_____
<input type="checkbox"/> Juvenile, Dependency, Guardianship	_____	_____	_____
<input type="checkbox"/> Child Support	_____	_____	_____
<input type="checkbox"/> Parentage, Paternity	_____	_____	_____
<input type="checkbox"/> Other ( <i>specify</i> ): _____	_____	_____	_____
<input type="checkbox"/> <i>Check here if you need more space. Attach a sheet of paper and write "DV-100(TC), Other Court Cases" for a title.</i>			

**Check the orders you want.**

**6  Personal Conduct Orders**

- I ask the court to order the person in ② not to do the following things to me or anyone listed in ③:
- a.  Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, impersonate (on the Internet, electronically or otherwise), or block movements
- b.  Contact, either directly or indirectly, in any way, including but not limited to, by telephone, mail or e-mail or other electronic means

*The person in ② will be ordered not to take any action to get the addresses or locations of any protected person unless the court finds good cause not to make the order.*

**7  Stay-Away Order**

- a. I ask the court to order the person in ② to stay at least \_\_\_\_\_ yards away from (*check all that apply*):
- |  |  |
|--|--|
| <input type="checkbox"/> Me                  | <input type="checkbox"/> My school                             |
| <input type="checkbox"/> My home             | <input type="checkbox"/> Each person listed in ③               |
| <input type="checkbox"/> My job or workplace | <input type="checkbox"/> The child(ren)'s school or child care |
| <input type="checkbox"/> My vehicle          | <input type="checkbox"/> Other ( <i>specify</i> ): _____       |
- b. 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, workplace, or vehicle?  Yes  No (*If no, explain*): \_\_\_\_\_

**8  Move-Out Order**

*(If the person in ② lives with you and you want that person to stay away from your home, you must ask for this 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*): \_\_\_\_\_

**This is not a Court Order.**



**9 Guns or Other Firearms or Ammunition**

I believe the person in (2) owns or possesses guns, firearms, or ammunition.  Yes  No  I don't know  
*If the judge approves the order, the person in (2) will be ordered not to own, possess, purchase, or receive a firearm or ammunition. The person will be ordered to sell to, or store with, a licensed gun dealer, or turn in to law enforcement, any guns or firearms that he or she owns or possesses.*

**10  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.

**11  Care of Animals**

I ask for the sole possession, care, and control of the animals listed below. I ask the court to order the person in (2) to stay at least \_\_\_\_\_ yards away from and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of the following animals:

\_\_\_\_\_

I ask for the animals to be with me because:

\_\_\_\_\_

**12  Child Custody and Visitation**

a.  I do not have a child custody or visitation order and I want one.

b.  I have a child custody or visitation order and I want it changed.

*If you ask for orders, you must fill out and attach form DV-105(TC), Request for Child Custody and Visitation Orders. You and the other parent may tell the court that you want to be legal parents of the children (use form DV-180, Agreement and Judgment of Parentage).*

**13  Child Support (Check all that apply):**

a.  I do not have a child support order and I want one.

b.  I have a child support order and I want it changed.

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

*If you ask for child support orders, you must fill out and attach form FL-150(TC), Income and Expense Declaration or form FL-155(TC), Financial Statement (Simplified).*

**14  Property Control**

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

\_\_\_\_\_

**15  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 a sheet of paper and write "DV-100(TC), Debt Payment" for a title.*

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

**16  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.

**17  Spousal Support**

I am married to or have a registered domestic partnership with the person in (2) and no spousal support order exists. I ask the court to order the person in (2) to pay spousal support. *(You must complete, file, and serve form FL-150(TC), Income and Expense Declaration, before your hearing).*

**This is not a Court Order.**



**18**  **Rights to Mobile Device and Wireless Phone Account****a.**  **Property control of mobile device and wireless phone account**

I ask the court to give **only** me temporary use, possession, and control of the following mobile devices: \_\_\_\_\_ and the wireless phone account for the following wireless phone numbers because the account currently belongs to the person in **(2)**:

(including area code): \_\_\_\_\_  my number  number of child in my care  
 (including area code): \_\_\_\_\_  my number  number of child in my care  
 (including area code): \_\_\_\_\_  my number  number of child in my care

Check here if you need more space. Attach a sheet of paper and write "DV-100(TC), Rights to Mobile Device and Wireless Phone Account" for a title.

**b.**  **Debt Payment**

I ask the court to order the person in **(2)** to make the payments for the wireless phone accounts listed in 18a because:

Name of the wireless service provider is: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due Date: \_\_\_\_\_

*If you are requesting this order, you must complete, file, and serve form FL-150(TC), Income and Expense Declaration, before your hearing.*

**c.**  **Transfer of Wireless Phone Account**

I ask the court to order the wireless service provider to transfer the billing responsibility and rights to the wireless phone numbers listed in 18a to me because the account currently belongs to the person in **(2)**.

*If the judge makes this order, you will be financially responsible for these accounts, including monthly service fees and costs of any mobile devices connected to these phone numbers. You may be responsible for other fees. You must contact the wireless service provider to find out what fees you will be responsible for and whether you are eligible for an account.*

**19**  **Insurance**

I ask the court to order the person in **(2)** NOT to cash, borrow against, cancel, transfer, dispose of, or change the beneficiaries of any insurance or coverage held for the benefit of me or the person in **(2)**, or our child(ren), for whom support may be ordered, or both.

**20**  **Lawyer's Fees and Costs**

I ask that the person in **(2)** pay some or all of my lawyer's fees and costs.

*You must complete, file, and serve form FL-150(TC), Income and Expense Declaration, before your hearing.*

**21**  **Payments for Costs and Services**

I ask the court to order the person in **(2)** to 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 the hearing.*

Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_

Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_

**22**  **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.

**23**  **Other Orders**

What other orders are you asking for? \_\_\_\_\_

Check here if you need more space. Attach a sheet of paper and write "DV-100(TC), Other Orders" for a title.

**This is not a Court Order.**



**24**  **Time for Service (Notice)**

The papers must be personally served on the person in **(2)** at least five days before the hearing, unless the court orders a shorter time for service. If you want there to be fewer than five days between service and the hearing, explain why below. For help, read form DV-210(TC)-INFO, "What Is Proof of Personal Service"?

**25** **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.

**26** **Court Hearing**

The court will schedule a hearing on your request. If the judge does not make the orders effective right away ("temporary restraining orders"), the judge may still make the orders after the hearing. If the judge does not make the orders effective right away, you can ask the court to cancel the hearing. Read form DV-112(TC), *Waiver of Hearing on Denied Request for Temporary Restraining Order*, for more information.

**27** **Describe Abuse**

Describe how the person in **(2)** abused you. Abuse means to intentionally or recklessly cause or attempt to cause bodily injury to you; or to place you or another person in reasonable fear of imminent serious bodily injury; or to harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, keep you under surveillance, impersonate (on the Internet, electronically or otherwise), batter, telephone, or contact you; or to disturb your peace; or to destroy your personal property. (For a complete definition, see your Tribes code.)

a. Date of most recent abuse: \_\_\_\_\_

1. Who was there? \_\_\_\_\_
2. Describe how the person in **(2)** abused you or your child(ren):

Check here if you need more space. Attach a sheet of paper and write "DV-100(TC), Recent Abuse" for a title.

3. Did the person in **(2)** use or threaten to use a gun or any other weapon?  No  Yes (If yes, describe):
4. Describe any injuries: *Attach another sheet of paper if necessary and check here.*
5. Did the police come?  No  Yes  
 If yes, did they give you or the person in **(2)** an Emergency Protective Order?  Yes  No  I don't know  
*Attach a copy if you have one.*  
 The order protects  you or  the person in **(2)**

**This is not a Court Order.**



**27 Describe Abuse (continued)**

Has the person in ② abused you (or your child(ren)) other times?

b. Date of abuse: \_\_\_\_\_

1. Who was there? \_\_\_\_\_
2. Describe how the person in ② abused you or your child(ren): \_\_\_\_\_

Check here if you need more space. Attach a sheet of paper and write "DV-100(TC), Recent Abuse" for a title.

3. Did the person in ② use or threaten to use a gun or any other weapon?  No  Yes (If yes, describe): \_\_\_\_\_

4. Describe any injuries: Attach another sheet of paper if necessary and check here. \_\_\_\_\_

5. Did the police come?  No  Yes

If yes, did they give you or the person in ② an Emergency Protective Order?

Yes  No  I don't know Attach a copy if you have one.

The order protects  you or  the person in ②

If the person in ② abused you other times, check here  and use [Form DV-101\(TC\)](#), Description of Abuse or describe any previous abuse on an attached sheet of paper and write "DV-100(TC), Previous Abuse" for a title.

**28 Other Persons to Be Protected**

The persons listed in item ③ need an order for protection because (describe): \_\_\_\_\_

*Other persons to be protected over the age of 18 must sign and attach a separate paper entitled DV-100(TC) Declaration of Other Persons to be Protected.*

**29** Number of pages attached to this form, if any: \_\_\_\_\_

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

Date: \_\_\_\_\_

\_\_\_\_\_  
Type or print your name



\_\_\_\_\_  
Sign your name

Date: \_\_\_\_\_

\_\_\_\_\_  
Lawyer's name, if you have one



\_\_\_\_\_  
Lawyer's signature

**This is not a Court Order.**

