

# DV-110(TC) Temporary Restraining Order

Clerk stamps date here when form is filed.

Person in 1 must complete items 1, 2, and 3.

## 1 Name of Protected Person:

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

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

Name: \_\_\_\_\_ Tribal Bar No: \_\_\_\_\_

Firm Name: \_\_\_\_\_ State Bar No: \_\_\_\_\_

**Address** (If you have a lawyer, advocate or spokesperson for this case, give their information. If you do not have a lawyer or spokesperson and want to keep your home address private, give a different 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:

Yurok Tribal Court  
230 Klamath Blvd  
Klamath, CA 95548

Clerk fills in case number when form is filed.

### Case Number:

## 2 Name of Restrained Person:

Tribal Affiliation: \_\_\_\_\_

Description of restrained person

Sex: M F Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_

Race: \_\_\_\_\_ Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Address (if known): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Relationship to protected person: \_\_\_\_\_

## 3 Additional Protected Persons

In addition to the person named in 1, the following persons are protected by temporary orders as indicated in items 6 and 7 (family or household members):

<u>Full name</u>	<u>Relationship to person in 1</u>	<u>Sex</u>	<u>Age</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Check here if there are additional protected persons. List them on an attached sheet of paper and write, "DV-110(TC), Additional Protected Persons" as a title.

The court will complete the rest of this form.

## 4 Court Hearing

*This order expires at the end of the hearing stated below:*

Hearing Date: \_\_\_\_\_ Time: \_\_\_\_\_ a.m. p.m.

**This is a Court Order.**



**5 Criminal Protective Order**

a. A criminal protective order on form CR-160, *Criminal Protective Order—Domestic Violence*, is in effect. Case Number: \_\_\_\_\_ County: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

b. No information has been provided to the judge about a criminal protective order.

**To the person in 2**

**The court has granted the temporary orders checked below. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to \$1,000, or both.**

**6 Personal Conduct Orders      Not requested      Denied until the hearing      Granted as follows:**

a. You **must not** do the following things to the person in **1** and **3** persons in **3** :

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

Contact, either directly or indirectly, in any way, including but not limited to, by telephone, mail, e-mail or other electronic means

Take any action, directly or through others, to obtain the addresses or locations of the persons in **1 and 3** (*If this item is not checked, the court has found good cause not to make this order.*)

b. Peaceful written contact through a lawyer or process server or another person for service of Form DV-120(TC) (*Response to Request for Domestic Violence Restraining Order*) or other legal papers related to a court case is allowed and does not violate this order.

c. Exceptions: Brief and peaceful contact with the person in **1**, and peaceful contact with children in **3**, as required for court-ordered visitation of children, is allowed unless a criminal protective order says otherwise.

**7 Stay-Away Order      Not requested      Denied until the hearing      Granted as follows:**

a. You **must** stay at least (*specify*): \_\_\_\_\_ yards away from (*check all that apply*):

The person in <b>1</b>	School of person in <b>1</b>
Home of person in <b>1</b>	The persons in <b>3</b>
The job or workplace of person in <b>1</b>	The child(ren)'s school or child care
Vehicle of person in <b>1</b>	Other ( <i>specify</i> ): _____

b. Exception: Brief and peaceful contact with the person in **1**, and peaceful contact with children in **3**, as required for court-ordered visitation of children, is allowed unless a criminal protective order says otherwise.

c. Exception: Brief and peaceful contact with the person in **1** as required in order to perform their job duties in a shared workspace building, not to exceed shortest time necessary to perform job duties and not to occur solely between the protected party and the restrained party at any time.

**8 Move-Out Order      Not requested      Denied until the hearing      Granted as follows:**

You must take only personal clothing and belongings needed until the hearing and move out immediately from (*address*): \_\_\_\_\_

**This is a Court Order.**

**9 No Guns or Other Firearms or Ammunition**

- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.
- b. You must:
  - Sell to, or store with, a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms within your immediate possession or control. Do so within 24 hours of being served with this order.
  - Within 48 hours of receiving this order, file with the court a receipt that proves guns have been turned in, stored, or sold. (You may use Form DV-800(TC), *Proof of Firearms Turned In, Sold, or Stored*, for the receipt.) Bring a court filed copy to the hearing.
- c. The court has received information that you own or possess a firearm.

**10 Record Unlawful Communications**

**Not requested      Denied until the hearing      Granted as follows:**

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

**11 Care of Animals      Not requested      Denied until the hearing      Granted as follows:**

The person in **1** is given the sole possession, care, and control of the animals listed below. The person in **2** must stay at least \_\_\_\_\_ yards away from and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of the following animals:

**12 Child Custody and Visitation      Not requested      Denied until the hearing      Granted as follows:**

Child custody and visitation are ordered on the attached form DV-140(TC), *Child Custody and Visitation Order* or (specify other form): \_\_\_\_\_ The parent with temporary custody of the child must not remove the child from \_\_\_\_\_ unless the court allows it after a noticed hearing.

**13 Child Support**

Not ordered now but may be ordered after a noticed hearing.

**14 Property Control      Not requested      Denied until the hearing      Granted as follows:**

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

**15 Debt Payment      Not requested      Denied until the hearing      Granted as follows:**

The person in **2** must make these payments until this order ends:

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

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

**16 Property Restraint      Not requested      Denied until the hearing      Granted as follows:**

If the people in **1** and **2** are married to each other or are registered domestic partners, the person in **1** the person in **2** must not transfer, borrow against, sell, hide or get rid of or destroy any property, including animals, 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.)

Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order.

**This is a Court Order.**

**17 Spousal Support**

Not ordered now but may be ordered after a noticed hearing.

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

**Not Requested      Denied until the hearing      Granted as follows:**

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

Mobile device (describe) \_\_\_\_\_ and account (phone number): \_\_\_\_\_

Mobile device (describe) \_\_\_\_\_ and account (phone number): \_\_\_\_\_

Mobile device (describe) \_\_\_\_\_ and account (phone number): \_\_\_\_\_

*Check here if you need more space. Attach a sheet of paper and write "DV-110(TC) Rights to Mobile Device and Wireless Phone Account" as a title.*

**b. Debt Payment      Not Requested      Denied until the hearing      Granted as follows:**

The person in **2** must make these payments until this order ends:

Pay to (wireless service provider): \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_

**c. Transfer of Wireless Phone Account**

Not ordered now but may be ordered after a noticed hearing.

**19 Insurance      Not Requested      Denied until the hearing      Granted as follows:**

The person in **1** the person in **2** is ordered **NOT** to cash, borrow against, cancel, transfer, dispose of, or change the beneficiaries of any insurance or coverage held for the benefit of the parties, or their child(ren), if any, for whom support may be ordered, or both.

**20 Lawyer's Fees and Costs**

Not ordered now but may be ordered after a noticed hearing.

**21 Payments for Costs and Services**

Not ordered now but may be ordered after a noticed hearing.

**22 Batterer Intervention Program**

Not ordered now but may be ordered after a noticed hearing.

**23 Other Orders      Not Requested      Denied until the hearing      Granted as follows:**


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*Check here if there are additional orders. List them on an attached sheet of paper and write "DV-110(TC), Other Orders" as a title.*

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

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

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

*Judge (or Judicial Officer)*

**This is a Court Order.**

## Warnings and Notices to the Restrained Person in

### If You Do Not Obey This Order, You Can Be Arrested And Charged With a Crime.

- If you do not obey this order, you can go to jail or prison and/or pay a fine.
- It is a felony to take or hide a child in violation of this order.
- 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.

### 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, other 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 or store with a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms that you have or control. The judge will ask you for proof that you did so. If you do not obey this order, you can be charged with a crime. Federal law says you cannot have guns or ammunition while the order is in effect.

### Service of Order by Mail

If the judge makes a restraining order at the hearing, which has the same orders as in this form, you will get a copy of that order by mail at your last known address, which is written in **2**. If this address is incorrect, or to find out if the orders were made permanent, contact the court.

### 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 from you.
- **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 a parent's paycheck. Child support can be a lot of money, and usually you have to pay until the child is age 18. File and serve a *Financial Statement (Simplified)* (form FL-155(TC)) or an *Income and Expense Declaration* (form FL-150(TC)) if you want the judge to have information about your finances. Otherwise, the court may make support orders without hearing from you.
- **Spousal support:** File and serve an *Income and Expense Declaration* (form FL-150(TC)) so the judge will have information about your finances. Otherwise, the court may make support orders without hearing from you.

### Instructions for Law Enforcement

This order is effective when made. It is enforceable by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS). If the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing, the agency shall advise the restrained person of the terms of the order and then shall enforce it. Violations of this order are subject to criminal penalties.

### 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. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6.

**This is a Court Order.**

## 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).)

## Conflicting Orders—Priorities for Enforcement

**If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced according to the following priorities (see Pen. Code, § 136.2, and Fam. Code, §§ 6383(h), 6405(b):**

1. *EPO*: If one of the orders is an *Emergency Protective Order* (form EPO-001), and it is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. *No-Contact Order*: If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence in enforcement over any other restraining or protective order.
3. *Criminal Order*: If none of the orders includes a no-contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
4. *Family, Juvenile, or Civil Order*: If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

## Child Custody and Visitation

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

### 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 states of the 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.**

*(Clerk will fill out this part.)*

### —Clerk's Certificate—

*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

Date entered into NICS: \_\_\_\_\_ NICS Number: \_\_\_\_\_

**This is a Court Order.**