

HOW TO APPLY FOR A DOMESTIC VIOLENCE RESTRAINING ORDER

Obtaining a restraining order requires effort on your part! You will need to visit the courthouse & police station several times to complete all of the necessary steps. Missing any of these steps can be dangerous for you! You should understand that the other party will receive notice of your request and will have an opportunity to appear in court.

Please, read the instructions carefully and check off each step as you go along:

I. TEMPORARY RESTRAINING ORDER (LASTS UP TO 21 DAYS ONLY)

- 1. **FORMS:** Pick up a free application & instruction packet in Long Beach Courthouse, Room 205. If you hand write the forms, use black ink & write neatly. **If you need assistance, go to Legal Aid's Domestic Violence Clinic in Room 40C of the Courthouse, Monday, Wednesday & Friday. Please arrive at 9:00 a.m. Note: Legal Aid can only help eligible clients - their staff will tell you if you are eligible for free legal assistance.**
- 2. **FILING (1st time):** When your forms are complete, go to Room 205, Window #4 (Clerk's Office) to file the forms.
- 3. **COURTROOM:** The Clerk will send you either to Dept. A., (Room 41 on the 4th Floor) or Dept. N., (Room 517 on the 5th Floor). In the courtroom, give your court file to the Bailiff and take a seat. The judge will determine if a temporary restraining order should be granted and may ask for additional information. When the judge has signed your temporary restraining order, the Bailiff will notify you.
- 4. **FILING (2nd time) & COPIES:** The Bailiff will instruct you to go to Room 205, Window #4, with the court file. Give all the papers to the Clerk, so that you can have your order entered. Ask the Clerk for photocopies of the following papers (no charge)
 - Request for Order & Temporary Restraining Order 2 copies (1 for each party)
 - Application and Supporting Declaration 2 copies (1 for each party)
 - (Order to Waive Court Fees and Costs, *if obtained*) 1 certified copy (for your own records)
- 5. **SERVICE (1st time):** Arrange for personal service on the restrained person. The restrained person needs to receive copies of - the Request for Order & Temporary Restraining Order, and a *blank* Responsive Declaration.

Either: *Personal Service (a person you choose):* Find someone who is willing to personally deliver the papers to the restrained person. This could be a friend, relative, colleague or neighbor.

Note:

- You **CANNOT** serve these papers yourself.
- Ask someone over the age of 18 to serve them, *in person*.
- Serve the restrained person as soon as possible, after your papers are filed.
- The person who serves must **hand over** the papers to the restrained person & tell them it is a restraining order.
- The papers cannot be left in a mailbox or with a friend.
- If the restrained person **drops the papers** or **refuses** to accept them, leave the papers there.
- The restrained person does not have to sign anything.
- After the restrained person is served, **the person who serves the papers needs to fill out and sign the Proof of Service.**

Or: *Personal Service by the Sheriff:* Take 1 copy of each document to the Sheriff's office located on the 2nd Floor, Room 202 of the Long Beach Courthouse so that the Sheriff can serve the papers. The Sheriff will mail you a Proof of Service after service is complete.

KEEP THE PROOF OF SERVICE IN A SAFE PLACE and be sure to bring it with you to court on the day of your hearing or the judge will not be able to issue a Restraining Order After Hearing.

- 6. **POLICE (1st time):** After the restrained person has been served with the temporary restraining order, you must take a copy of the completed Proof of Service form to the Police Department at 400 W. Broadway, Long Beach, CA 90802.

(CONTINUED ON REVERSE SIDE) 

If you have carefully followed steps 1-6, your temporary restraining order has been properly filed. **HOWEVER**, you must follow further procedures to ensure that you get a full restraining order and ongoing police protection.

II. ORDER AFTER HEARING (LASTS UP TO 5 YEARS)

- **7. PREPARE COURT FORM:** In your packet of forms, you have a court form called ORDER AFTER HEARING. This form should be filled out prior to the hearing. If you need help with this form, prior to your hearing date, bring a copy of your temporary restraining order to Legal Aid's Domestic Violence Clinic, Long Beach Courthouse, Room 40C, Monday, Wednesday & Friday. Please arrive at 9:00 a.m.
- **8. SCHEDULED COURT HEARING:** You must attend court on the day and at the time noted on your court order. Be there early, dress appropriately (like going to church or an interview) and be polite with all court staff. **Don't forget your completed Proof of Service form & your prepared Order After Hearing form!!** What happens in Court?
 - a. **If you do not appear in court for the hearing, you will no longer have a restraining order.**
 - b. If you do appear at the hearing with a valid Proof of Service and if the restrained person chooses not to appear at the hearing and if the facts support it, you will most likely get some type of restraining order.
 - c. If you and the restrained person both show up at the hearing, the judge will ask questions of both of you. Be sure to let the judge know why you still need the Court's protection. The judge may issue the order, depending on what both of you state in court.
 - d. If there are children involved and both you and the restrained person appear in court for the hearing, the judge may require both of you to see the Court Conciliator (5th Floor, Room 503, (213) 974-5524) in order to resolve problems with child custody and visitation.
- **9. FILING (3rd time):** After the hearing, file the new order in Room 205 & get 3 copies.
- **10. SERVICE (2nd time):** If the restrained person did not appear in court, he/she must be served with the ORDER AFTER HEARING. Probably, this will again require personal service (see #6 over.) **You will need another completed and signed Proof of Service form.**
- **11. FILING (4th time):** You must file the original Proof of Service in Room 205, Window #4, and get a copy.
- **12. POLICE (2nd time):** Check with the clerk in Room 205 – The Court may provide a copy of the Order directly to law enforcement. If not, you must take the ORDER AFTER HEARING and a copy of the new Proof of Service (if required) to the Police Department immediately so that your order will be entered in the California Law Enforcement computer system which enables the police to provide better protection for you! **Note: Your temporary restraining has now expired so the police have no records of a current order providing protection for you until you notify the Police of your new order.**

Congratulations!! If you have carefully completed steps 1-14, you should now have a valid restraining order, signed by a judge, filed with the court, served on the restrained person, and entered into the California Law Enforcement computer.

Remember:

- You should carry a copy of your restraining order with you at all times.
- Also keep a copy in your home, car, workplace, child's school/daycare/babysitter and anywhere else where you frequent.
- Focus on your safety at all times & call 911 for any emergency.
- Call any of the resources below for general questions relating to domestic violence.

DOMESTIC VIOLENCE/LONG BEACH AREA REFERRALS

Long Beach Police Department/Domestic Violence Unit.....	(562) 570-7277
Long Beach City Prosecutor	(562) 570-5600
Long Beach District Attorney	(562) 491-6301
D.A.'s Victim Witness Assistance Program	(562) 491-6310
Legal Aid Foundation of Los Angeles/Long Beach Office	(562) 435-3501
<u>Shelters</u>	
WomenShelter, Long Beach	(562) HER-HOME/(562) 437-4663
Su Casa, Lakewood/Artesia	(562) 402-4888
Rainbow, San Pedro	(310) 547-9343
Interval House, Long Beach/Seal Beach	(562) 594-9492
1736 Family Crisis Center, Redondo Beach.....	(310) 379-3620
<u>Hotlines</u>	
Long Beach Rape Crisis Hotline	(562) 597-2002
Los Angeles County Domestic Violence Hotline.....	(800) 978-3600
Los Angeles County Child Abuse Hotline.....	(800) 540-4000