

CALIFORNIA RESTRAINING ORDER

Temporary · Violation · Harassment

NEED to <i>FILE</i> a RESTRAINING ORDER?	<i>OR</i>	NEED to <i>DEFEND</i> AGAINST a RESTRAINING ORDER?
<p>If you <u>NEED TO FILE</u> a Restraining Order or need help in <u>YOUR DEFENSE</u> against a Restraining Order, we are prepared to assist with expert advice. We have extensive knowledge in how to file a Restraining Order and what to do if you are served with a Restraining Order.</p>		

WHAT IS A RESTRAINING ORDER?

In *California*, *Restraining Orders* are court orders signed by a judge that help people with various types of abuse. There are 4 types of Restraining Orders available for an individual to file.

TYPES OF RESTRAINING ORDERS

1. **Emergency Protective Order (EPO)** - This Restraining Order is issued by law enforcement and is valid for 5 days. Useful for *domestic violence* victims.
2. **Domestic Violence Temporary Restraining Order (TRO or DVRO)** - This civil Restraining Order is *temporary* for 3 weeks and can be made permanent for 1 to 3 years. Useful for *domestic violence* victims.
3. **Criminal Protective Order ("No Contact" order)** - This Restraining Order is obtained through the District Attorney's office and is issued in active *domestic violence* criminal cases.
4. **Civil Harassment Restraining Order (CHO)** - This Restraining Order is a civil order and is used for stopping *harassment* / annoyances by neighbors, roommates, and co-workers.

DOMESTIC VIOLENCE RESTRAINING ORDERS

In California, the victims of domestic violence can obtain either an *Emergency Protective Order*, a *Domestic Violence Temporary Restraining Order*, or a *Criminal Protective Order*. To qualify for a Domestic Violence Restraining Order you must have a relationship with the person you are seeking the order against. It must be one of the relationships described under Domestic Violence.

CIVIL HARASSMENT RESTRAINING ORDERS

In California, a Civil Harassment Restraining Order is used in situations other than domestic violence. All of these restraining orders are issued to prevent the restrained person from:

- Annoying, harassing, striking, following, or disturbing the peace of the protected person(s).
- Having direct or indirect, personal, telephonic, electronic, or written contact with the protected person(s).
- Coming within 100 yards of the protected person(s) - place of work, residence, or school.

FILING a RESTRAINING ORDER

WHAT ARE THE ADVANTAGES? Once the *Petitioner* (person requesting Restraining Order) files a Restraining Order and it is properly served on the abuser, the abuse or harassment **WILL STOP!** The abuser's first reaction is to respond with outrage and even violence. From the victim's point of view he/she will be relieved and will no longer feel alone or helpless. The victim will no longer be an easy target to be abused and beaten. The victim now has new and powerful friends -- the Court. The abuser will think twice about violating the Restraining Order because there are now consequences for violating the court order - JAIL.

RESTRAINING ORDER VIOLATIONS. If, after the hearing, the Restraining Order is violated, the abuser can be found to be in contempt of a court order and this violation may be treated as a criminal matter that could result in serious consequences, including jail time.

DEFENDING a RESTRAINING ORDER

WHAT ARE YOUR RIGHTS? The Respondent (person receiving notice of the Restraining Order) must be officially given notice (served) the Restraining Order. Being 'served' a Restraining Order means that formal copies of the **Restraining Order Notice** have been personally delivered to the

Respondent. These copies must be both easy-to-read and include an **Answer to Temporary Restraining Order** (form DV-120). This is the Respondent's opportunity to respond to the allegations made by the Petitioner. The Respondent will have from 10 to 20 days before the hearing to file an answer to the Petitioner's statements.

GOING TO COURT. A hearing is needed for a judge to determine whether or not a Restraining Order is necessary. At the hearing, the judge will decide whether or not to issue, change, or cancel the Restraining Order. This can happen in one business day or sooner. Arriving at the hearing early, prepared, and with your attorney will ensure the best possible outcome for your case.

AN ATTORNEY MAKES ALL THE DIFFERENCE

A Restraining Order can greatly affect your relationships with your spouse, children, family, and friends. Having a Restraining Order can seriously impact your lifestyle. Although you do not need to have an attorney to file a Restraining Order or defend against a Restraining Order, **representing yourself is a risk** and puts you at a **huge disadvantage**.

<p style="text-align: center;">ADVANTAGES OF HIRING AN EXPERIENCED CRIMINAL DEFENSE ATTORNEY:</p>
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- If the other party has an attorney and you do not, your chances of winning are immediately reduced. The other party's lawyer has done the necessary preparation, only a skilled criminal defense attorney would know.
- Even though you are permitted to ask the judge for a "continuance" to reset the court hearing to another date when you can bring your lawyer, additional fees will be required and the time spent cannot be recovered.
- Being prepared with an attorney from the start is the smartest and most cost-effective way to handle your Restraining Order. Your attorney will ensure that all of the proper documents have been filed, knows how to handle the judge's questions, and will not be caught off-guard by any unusual circumstances.

IMPORTANT: The guidance and presence of an experienced criminal defense attorney will substantially improve your chances of obtaining the Restraining Order or defending against the Restraining Order.