

## CALIFORNIA DOMESTIC VIOLENCE RESTRAINING ORDER

# Rights Packet

### BACKGROUND

In the spring of 2024, the Office of Violence Prevention (OVP) in collaboration with the Domestic Violence Council (DVC), brought together a diverse group of partners including survivors, domestic violence providers, community leaders, law enforcement, City and County departments, court representatives, and other service providers to participate in a system mapping workgroup (workgroup).

Partners worked together to identify cross-sector opportunities to overcome barriers and enhance survivors' access to Domestic Violence Restraining Orders (DVROs) in Los Angeles County. One of the identified barriers is that information about the many benefits and protections provided by a DVRO are not broadly known. Another barrier is that the court process to obtain a DVRO can feel overwhelming and inaccessible to survivors. To address these issues, the workgroup recommended the creation of a DVRO Rights Packet: a user-friendly and interactive toolkit centralizing information about how to petition for a DVRO, navigate service, prepare for court hearings, and seek meaningful enforcement of orders. The following rights package was developed in response to this recommendation and includes information on housing, immigration, and employment rights, as well as template letters for exercising these rights.

**Purpose:** This DVRO Rights Packet is meant for the person who has filed their Restraining Order request to help ensure that every protection at their disposal is easily accessible and effectively enforced.

The Office of Violence Prevention thanks Blue Shield of California for providing the funding for this project, the System Mapping Workgroup for setting the groundwork for this tool's creation, and the Legal Aid Foundation and City Attorney's Office for their work on this resource. Thank you to Stephanie Davidson for your leadership, Pallavi Dhawan for your expertise, and Minty Siu-Kootnikoff for your review.

### YOU HAVE PICKED UP YOUR TEMPORARY RESTRAINING ORDER PACKET. NOW WHAT?

The first step is reviewing the documents you've received to be sure you fully understand what orders, if any, the Court has issued. These orders are designed to last until your hearing. Once you understand the orders, you'll need to think carefully about what other steps you may need to take to enforce these orders and/or to safety plan for you and your family.

The next step you will need to take is serving the Respondent. All law enforcement must offer this service for free in LA County. The Los Angeles Sheriff's Department has an office in most courthouses, where you can drop off copies of the documents that need to be served and fill out their service forms. You can do this the same day that you pick up this packet. *Note: Any orders that you receive will expire and the case will be dismissed if you do not attend the hearing listed on the DV-109 form. Even if you have not been able to serve the Respondent, it is important to attend that hearing (virtually or in person) if you want the temporary restraining order to continue.*

**Reviewing the court paperwork:** Look at the black square with white writing on the upper-left hand corner of the forms you've received. What numbered forms did you get back?

**1. A DV-109:** First, look at the hearing date listed on the first page of the DV-109. Make sure you put that in your calendar. If you received a DV-109 without a DV-110, that means that the family court decided not to issue a temporary restraining order, so there are not currently any orders in effect. This does not mean that you won't be granted a restraining order after your full hearing (which should be listed on the DV-109 – be sure to put it in your calendar!). Look at the second page of the DV-109, paragraph 4(b). There, you will find the Court's reasoning. Make sure you take that feedback seriously. Try to use the weeks between now and your hearing date to gather additional evidence to address the Court's concerns.

**2. A DV-109 and a DV-110:** If you received both of these documents, that means that the Court issued a temporary restraining order that will last until your next court hearing. First, look at the hearing date listed on the first page of the DV-109 (and on the bottom of the DV-110). Make sure you put that in your calendar. If you have children with the Respondent, you'll probably also have a date for virtual mediation. Make sure you put that date in your calendar, and plan to fill out the required form and take the one-hour required online class before mediation. Then, turn to the DV-110.

**Understanding your Temporary Restraining Order:** Most litigants do not get all the orders that they requested at the temporary order stage. This does not mean you will not successfully get these orders after the hearing. For now, it is important that you understand each order within the DV-110:

- **Item 3:** If other protected people are left off the form, or are crossed out, then the protected parties have not been included in the temporary restraining order. If protected parties ARE included on this form, provide a copy of the DV-110 to any relevant schools or daycare providers. If any adults are protected parties, consult with them as to whether they would like to provide their employer with a copy.
- **Item 5:** If you know the Respondent has guns, firearm parts or ammunition, make sure that you include as much specific information as possible about the types of weapons when you request service from law enforcement (such as the quantity, colour, size, and last known locations of the firearms/ammunition).
- **Item 10:** Review the no-contact order to understand what specifically the Court ordered. If b(1) is checked, the Respondent cannot contact you unless it is specifically related to an upcoming visit with the children. Insults and harassment, even if the children's names are mentioned, is not allowed under this exception. If b(2) is checked, the Respondent cannot contact your children outside of court-ordered visits, including texts, messages over social media, and/or messages from third parties.
- **Item 11:** Review the stay-away orders, and plan to provide copies to the appropriate personnel at your job or your children's school.
- **Item 12:** If the Respondent was ordered to move out, s/he must not return to the house once served with the restraining order, unless with a police escort to retrieve belongings. See the housing section of this packet for information about changing the locks and lease.

- **Item 14:** If child custody orders were issued, review the attached DV-140 to fully understand the orders. If custody orders were not made, and you are concerned about kidnapping or further abuse, consider visiting a domestic violence supportive services organization for assistance with a safety plan.
- **Item 18:** If this box is checked, it is now legal for you to record the Respondent if s/he violates the restraining order. You do not have to notify the Respondent or get their consent.

Finally, take a photograph of each page of the **DV-110**, and store them in your phone, so that you can reference it if you ever need law enforcement's help when you are away from your physical copy. *(Note: if your abuser has access to your photo storage cloud, or to your phone, do not take the photographs until s/he has been served).*



## ENFORCING YOUR RESTRAINING ORDER

### The Importance of Serving Your Order

The Respondent can only be charged with a crime for violating the restraining order if s/he was personally served with the restraining order. This is why it is extremely important that you ensure that your restraining order is properly served, and that the proof of service has been filed with the Court. Law enforcement officers, including the Los Angeles Sheriffs' Department (LASD) and Los Angeles Police Department (LAPD) officers, are required to serve restraining orders on the Respondent, if you ask them to. If they say they cannot serve the order, tell them service is required under Family Code section 6383(a). Make sure that you obtain a proof of service form from law enforcement. Even if your order has not yet been served, make sure that you have a copy of it on you.

If you need to call the police, and service hasn't been completed yet, you can ask the police to serve the Respondent. They are required to assist with service even if the Respondent has not been arrested. If you do not have a physical copy of the restraining order, you can ask them to verbally notify the Respondent of the terms of the order and where a written copy can be obtained, pursuant to California Family Code section 6383(e). Under section 6381(c), this oral notification is sufficient notice for the order's enforcement. If the Respondent is in violation of the order after being notified of its terms, s/he can be arrested for violating the order.

*Note: If the police provide verbal notice, they should also give you the address the Respondent has provided to them. You must then mail a certified copy of the restraining order to that address within one business day.*

### Violations of Orders that have been Served

Pursuant to California Family Code section 6388 and California Penal Code sections 166 and 273.6, willful violations of restraining orders can result in a criminal penalty. If the conduct constitutes multiple violations, such as multiple calls or messages in violation of a no-contact order, each contact may be filed and sentenced as a separate violation.

While calling law enforcement is the primary method of enforcing a restraining order, petitioners can take additional actions including:

**1. Filing a DV-300 Request for Order**, requesting any modifications to the order that may assist with keeping the Petitioner and protected parties safe, given recent violations.

**2. Filing a contempt action:** Petitioners may file a request that the family court formally find the Respondent in contempt of court. These proceedings involve complicated legal technicalities, and thus are not utilized frequently by petitioners in DVRO actions.

If violations of your temporary restraining order occur before the hearing (where you'll explain what happened to you and ask the court to grant you a final restraining order), make sure to bring evidence of the violation(s) to the hearing.

Regardless of whether survivors of abuse take legal action after a DVRO violation, survivors should consider contacting a domestic violence advocate to make a new safety plan. You can find a list of Los Angeles-area agencies at: [bit.ly/ovp-dvro](https://bit.ly/ovp-dvro).



## YOUR RIGHTS

You have rights both at work and at home. In this section, you'll find information and template letters to help you communicate with your landlord and employer, whether you are requesting time off or asking for reasonable accommodations. *Remember, you also have the right to be free from retaliation and discrimination.*

### Communicating with Your Landlord

It is illegal for your landlord to evict you due to your experience as a victim of domestic violence CCP § 1161.3. If you believe you are being evicted in violation of this law, you should contact a legal aid office. This guide provides information and sample letters for tenants who need to request a lock change (Form A1) or end their lease early (Form A2) due to experiencing domestic violence, sexual assault, stalking, human trafficking, elder or dependent adult abuse, or other crimes involving injury, death, a deadly weapon, or the use or threat of force. For more information, visit [Family Violence Appelate Project: https://fvaplaw.org/housing-toolkit-leaving-safely/](https://fvaplaw.org/housing-toolkit-leaving-safely/).



**Important Notes Before Using These Letters:** Each letter includes a sample and a fillable template for your use. You must provide your landlord with one form of documentation verifying your situation. YOU, not the landlord, get to choose which of the following documentation records that you would like to provide:

- A restraining order (temporary or permanent) that was issued within the last 180 days protecting you or your household member.

- A police report issued within the last 180 days stating that you, your household member, or immediate family member filed a report alleging abuse or a crime. If you do not have one, you have the right to request to file an incident report at your local police department regarding any abuse you've experienced.
- A letter from a Qualified Third Party, such as a doctor, psychologist, social worker, domestic violence counselor, legal aid attorney, or sexual assault counselor, confirming that you or your household member is a survivor.
- Any other documentation that reasonably verifies the abuse or crime.

## Using the Template Letters

1. Tailor the letter to your specific situation—you should modify it as needed to reflect the facts of your case.
2. Include one of the accepted documents listed above with your letter when submitting it to your landlord.
3. Sign and date the letters.
4. Keep a copy for your records. If you don't have access to a copier, take a picture of the completed letter (including date) before submitting it.

## Communicating with Your Employer

You may need to request time off to participate in your DVRO case. In California, employees have the right to take time off from work to go to court for a DVRO. Your employer may require you to use any leave you have accrued, but cannot prevent you from taking time off, even if you do not have any time off saved.

If your employer has 25 or more employees, your right to take time off extends not only to going to court, but also to getting related medical or mental health care, or meeting with a domestic violence service provider, victim services organization, or conducting other safety planning activities.

If you tell your employer in advance that you will need the time off, your employer cannot demand proof of what you're going through and cannot discipline you. If you are unable to give your employer advance notice, you may need to provide proof to avoid discipline. Your DV-109 or DV-110 is sufficient proof, as is a letter from a victim advocate, a police report, or even a written statement that you've written and signed.

If you need to give your employer notice, or to provide proof after taking leave, you can fill out the bottom half of this page and provide it to your employer. Check the appropriate boxes and remember that you can include more than one date that you will need off. You will find a copy of the guidance issued by the California Labor Commissioner on the reverse side of this page, in case your employer has further questions.

## Your Right to Take Time Off

- You have the right to take time off from work to obtain relief from a court, including obtaining a restraining order, to protect you and your children's health, safety or welfare.
- If your company has 25 or more workers, you can take time off from work to get medical attention for injuries caused by crime or abuse; receive services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency as a result of the crime or abuse; receive psychological counseling or mental health services related to an experience of crime or abuse; or participate in safety planning and take other actions to increase safety from future crime or abuse.
- You may use accrued paid sick leave or vacation, personal leave, or compensatory time off that is otherwise available for your leave unless you are covered by a union agreement that says something different. Even if you don't have paid leave, you still have the right to time off.
- In general, you don't have to give your employer proof to use leave for these reasons.
- If you can, you should tell your employer before you take time off. Even if you cannot tell your employer beforehand, your employer cannot discipline you if you give proof explaining the reason for your absence within a reasonable time. Proof can be a police report, a court order, a document from a licensed medical professional, a victim advocate, a licensed health care provider, or counselor showing that you were undergoing treatment for domestic violence related trauma, or a written statement signed by you, or an individual acting on your behalf, certifying that the absence is for an authorized purpose.

## Your Right to Reasonable Accommodation

You have the right to ask your employer for help or changes in your workplace to make sure you are safe at work. Your employer must work with you to see what changes can be made. Changes in the workplace may include putting in locks, changing your shift or phone number, transferring or reassigning you, or help with keeping a record of what happened to you. Your employer can ask you for a signed statement certifying that your request is for a proper purpose and may also request proof showing your need for an accommodation. Your employer cannot tell your coworkers or anyone else about your request.

## Your Right to Be Free from Retaliation and Discrimination

Your employer cannot treat you differently or fire you because:

- You are a victim of domestic violence, sexual assault, stalking, a crime that caused physical injury or mental injury, or a crime involving threat of physical injury; or are someone whose immediate family member is deceased as a direct result of a crime.
- You asked for leave time to get help.
- You asked your employer for help or changes in the workplace to make sure you are safe at work.
- You can file a complaint with the Labor Commissioner's Office against your employer if he/she retaliates or discriminates against you.



## ADDITIONAL SAFETY CONSIDERATIONS

### Immigration Concerns

Under California law (Evidence Code 351.3 and 351.4) it is illegal for the opposing party to share your immigration status in court under most circumstances, without first requesting permission from the judge, during a private session.

The California Values Act (SB 54) curtails use of state and local resources from being used for mass deportations and ensures that important institutions such as schools, health facilities, and courthouses remain accessible to everyone. However, if you do not feel safe going in person to your hearing, you may attend court remotely at LA Court Connect, unless your judge explicitly forbids you from doing so.

### Immigration Relief

Crime victims, including domestic violence survivors, may have specific pathways to legal residence in the United States available to them. These protections exist so that survivors can seek safety without fear of punishment or deportation. The most common types of immigration petitions utilized by domestic violence survivors are Violence Against Women Act (VAWA) applications, U-Visa applications and T-Visa applications. Your local legal aid office should be able to help you understand which options may be available to you. You can visit [California Department of Services](#) to learn more:

<https://www.cdss.ca.gov/inforesources/immigration/contractor-contact-information>.



### Technology

**1. Protect online accounts:** Be sure to check your “account recovery” settings for any online logins you utilize to be sure your abuser’s information isn’t included. Change your passwords using new, complex passwords.

**2. Sever any links to your abuser on smart devices:** Unplug any smart devices in your home unless you can immediately change the passwords so that no one else can log into them. Review your privacy settings on your smart phone to be sure that no other accounts are connected to your phone, and to disable location settings for all applications (including on children’s devices).

**3. Sever links to smart vehicles:** Pursuant to Division 12, Ch. 6 of the California Vehicle Code, automakers of smart vehicles must have information on their websites explaining how domestic violence survivors can sever their abuser’s remote access to any smart vehicles that they own, or that they control pursuant to a valid court order. The company should sever access no later than 2 business days after receiving a completed request.

**4. Be thoughtful about social media:** If you are hiding, be sure you and your children are not inadvertently sharing your location – or information that would make it easy to figure out where you are – when posting on social media. Set limits with your children, if they are too young to understand how to keep your family safe.

**5. Check for GPS trackers:** If you have disabled location sharing on your electronic devices but the Respondent is still able to find you, there may be a tracking device in your vehicle. You can ask the police which station or division is currently able to perform a search of your vehicle.

## Finances

If you believe your abuser may take out credit cards or other debt in your name, consider contacting the three major credit agencies (Transunion, Experian and Equifax) and requesting a credit freeze. Regardless, check your credit report regularly, and be on the lookout for anything that seems amiss.

**We hope the information provided in this document was useful.**

For more information on DVROs or to download a copy of this packet, visit [bit.ly/ovp-dvro](https://bit.ly/ovp-dvro)



**YOU ARE NOT ALONE. HELP IS AVAILABLE.**

## Hotlines

- National Domestic Violence Hotline  
1.800.799.SAFE (7233)  
Text “START” to 88788
- If you are ever in immediate danger, please call 911.
- LA County Domestic Violence Hotline (24/7 Confidential)  
(800) 978-3600

## Websites

- [thehotline.org](https://thehotline.org)
- [publichealth.lacounty.gov/dvcouncil/resources/resources.htm](https://publichealth.lacounty.gov/dvcouncil/resources/resources.htm)

For any questions or suggestions about this packet, please call or email the Office of Violence Prevention at (626) 293-2610 or [ovp@ph.lacounty.gov](mailto:ovp@ph.lacounty.gov).

## Letter Requesting Lock Change

Your Name: \_\_\_\_\_ Date: \_\_\_\_\_

Your Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Landlord's Name: \_\_\_\_\_

Landlord's Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dear \_\_\_\_\_,

I am writing to formally request a change of locks for my dwelling unit at \_\_\_\_\_ (address) in accordance with **California Civil Code Section 1941.5**.

Under this law, an eligible tenant who has experienced domestic violence, sexual assault, stalking, human trafficking, or other qualifying incidents may request a lock change for safety reasons.

I kindly request that the locks be changed **within 24 hours** of this notice, as required by law. Please provide me with the new keys upon completion of the lock change. If the locks are not changed within 24 hours, I understand that I may change them myself and request reimbursement for the cost of the lock change **within 21 days**.

To support this request, I have attached the following required document(s) as outlined in **Civil Code Section 1941.5(d)** [**check one or more items below – under the law, one item is sufficient**]:

- A copy of a temporary or permanent restraining order issued in the last 180 days protecting myself or my household member
- A copy of a police report filed in the last 180 days documenting that I, or a household member, filed a report alleging one of the crimes listed above
- A letter written by a Qualified Third Party documenting my/my household member's status as a survivor of qualifying violence
- Other documentation verifying the abuse: \_\_\_\_\_

California law requires that **all information related to this request remains confidential (California Civil Code Section 1941.5)**. Please confirm receipt of this request and advise on the timeline for completing the lock change. If you have any questions, you may reach me at: \_\_\_\_\_. Thank you for your prompt attention to this matter.

Sincerely,

# Letter Requesting Lease Termination

Your Name: \_\_\_\_\_ Date: \_\_\_\_\_

Your Address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Landlord's Name: \_\_\_\_\_

Landlord's Address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

I am writing to provide formal notice that I am terminating my lease at \_\_\_\_\_ pursuant to **California Civil Code Section 1946.7**, which allows tenants who have experienced certain qualifying events, or their household or immediate family members, to end their lease early. This letter serves as my 14-day notice and contains all of the requirements outlined in the California Code. My tenancy will end on \_\_\_\_\_ (14 days).

Under **Civil Code Section 1946.7**, I am only responsible for rent payment for up to **14 days** following this notice. If I vacate before this period ends and the unit is re-rented, I understand that I may be entitled to a prorated refund for any period in which the unit is occupied by a new tenant before the 14-day period expires. Additionally, my **security deposit must be returned** in accordance with California Civil Code **Sections 1946.7(f) and 1950.5**. Please send my security deposit and any applicable rent refund to:

\_\_\_\_\_.  
 To support this request, I have attached one or more of the required documents as outlined in **Civil Code Section 1946.7(b)**, which only requires that I provide one of the following:

- A copy of a temporary or permanent restraining order issued in the last 180 days protecting myself or my household member
- A copy of a police report filed in the last 180 days documenting that I, or a household member, filed a report alleging one or more of the crimes listed in section 1946.7(b), including domestic violence, sexual assault, stalking, human trafficking, elder abuse, a crime resulting in injury or death, a crime that included the use of force or the threat of the use of force against the victim (etc).
- A letter written by a Qualified Third Party documenting my/my household member's status as a survivor of qualifying violence
- Other documentation verifying the abuse: \_\_\_\_\_

California law also requires that **all information related to this request remains confidential** and that you do not disclose my circumstances to any third party (**California Civil Code Section 1946.7(i)**).

Please confirm receipt of this notice and provide any next steps for key return or final walkthrough procedures. If you have any questions, you may reach me at \_\_\_\_\_. Thank you for your time and consideration.

Sincerely,

## Letter Requesting Time Off Work

Date \_\_\_\_\_

Dear \_\_\_\_\_

On \_\_\_\_\_ I will need to take time off from work pursuant to California Labor Codes § 230 and 230.1, which provides workplace protections for survivors of domestic violence.

On \_\_\_\_\_ I had to take time off from work pursuant to California Labor Codes § 230 and 230.1, which provides workplace protections for survivors of domestic violence. I apologize that I was unable to give you advance notice, and hereby certify that my absence was directly connected to my need for a domestic violence restraining order.

Sincerely,