

Applying for a Family Law Restraining Order

The process to get a long-term family law protective order must follow the steps below. All family law restraining orders, whether for domestic violence (DV) or elder abuse (EA), follow the same general process:

1. Filing the paperwork to apply for a temporary restraining order with a county clerk
2. Serving the other party (i.e. the abusive person) with a copy of the paperwork
3. Preparing your evidence for the hearing in court
4. Appearing in court for the hearing to present your argument and to receive the judge's final decision

Applying for the Temporary Restraining Order (TRO)

1. Fill out all of the paperwork with your personal information.
 - For a **domestic violence temporary restraining order**:
CLETS-001, DV-100, DV-109, DV-110
 - For an **elder abuse restraining order**:
CLETS-001, EA-100, EA-109, EA-110
 - Additional forms may apply if minor children, finances, property, or other matters are involved. Make sure to read directions on the forms carefully or seek consult.
 - You will need to explain in detail why you need a restraining order to legally protect you. This document is called a “declaration” and must be written in *your* own words – no one else except legal representation may do this for you.
2. Submit your completed packet of paperwork to one of the county clerk offices.
 - **Santa Cruz**: 701 Ocean St., Room 110 (across from the Traffic counter)
 - **Watsonville**: 1 Second Street, Room 300 (third floor in front of elevators)
3. Ask the clerk when you can return to pick up your paperwork with the judge's decision.
4. Pick up your paperwork.

Note: Walnut Avenue's advocates will not drop off or pick up your paperwork for you unless you have made an explicit verbal or written agreement with your advocate.



Serving the Restrained Party

You will receive 3 copies of your temporary restraining order (TRO) from the clerk. One of these copies must be delivered to the other person at least five business days before your first hearing date. The judge will write down your hearing date on your paperwork, which will almost always be on a Thursday at 8:30am at the Watsonville courthouse within 21 days of you submitting your petition.

Note: Even if the judge denies your request for a TRO, you will still get a hearing date and you must still serve the other party with a copy of the packet.

You cannot be the person to serve the papers. The only people who can serve the papers are:

- The sheriff (no cost)
- Any person over 18 who is not also protected by the TRO (this includes friends, family, coworkers, etc)
- A third-party process server (costs differ depending on the company)

When you decide which person will serve the papers, you must:

1. Give your paperwork to the server.
 - A copy of your TRO packet, which you picked up from the clerk's office
 - A blank copy of either the DV-120 or EA-120 form
2. The server finds the other party and gives them the paperwork.
 - This must happen at least 5 business days before the hearing date
 - You cannot be within 100 yards of the service being done
3. The server fills out a DV-200 or EA-200 form, signs it, and files it with either one of the county clerk offices.
 - This must be done at least 2 business days before the hearing.
 - If the sheriff is the one who did the serving, you should call the sheriff's office to verify whether or not Proof of Service has been filed.
4. Prepare for your hearing.
 - Your hearing will be on a Thursday at 8:30am in Department D at the Watsonville Courthouse, which is at 1 Second Street, Watsonville.