

DV-100

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): ADDRESS WHERE YOU WANT MAIL SENT: Pat Garcia 123 Long Street My Town, CA 90000</p> <p>TELEPHONE NO. (Optional): (123) 555-1234 FAX NO. (Optional): E-MAIL ADDRESS (Optional):</p> <p>ATTORNEY FOR (Name): <u>in pro per</u></p> <p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF CENTRAL STREET ADDRESS: Central County Courthouse MAILING ADDRESS: 1 Court Street CITY AND ZIP CODE: My Town, CA 90000 BRANCH NAME:</p> <p>PERSON SEEKING ORDER: PAT GARCIA</p> <p>PERSON TO BE RESTRAINED: CHRIS JONES</p>	<p style="text-align: center;">FOR COURT USE ONLY</p>
<p>APPLICATION AND DECLARATION FOR ORDER (Domestic Violence Prevention)</p>	<p>CASE NUMBER:</p>

Read the Instructions for Obtaining Orders Prohibiting Domestic Violence before completing this form. This form must be completed and filed with an Order to Show Cause and Temporary Restraining Order (CLETS) (form DV-110).

1. PERSONS TO BE PROTECTED

Name	Age	Relationship to person seeking order
Pat Garcia	31 years	Myself
Ana Garcia	10 years	Daughter
Richard Jones	5 years	Son

2. PERSON TO BE RESTRAINED (Name): CHRIS JONES

5'

Sex: M F Ht.: 10" Wt.: 180 Hair Color: Br Eye Color: Blu Race: Wh Age: 39 Date of Birth: 1/5/60

3. I have been involved in other court actions with the person to be restrained in which restraining orders were issued. (If known, please specify case numbers and county or other state, United States territory, military tribunal, tribal court, or the District of Columbia and attach copies of orders): Small County, California, Case No. 654321

4. I am applying for a restraining order, and the person to be restrained and I (check at least one box):
- a. were married on (date): 3/2/92 and a dissolution, legal separation, or annulment proceeding
 - (1) has not been filed.
 - (2) has been filed (If known, specify case number and county):
 - b. were formerly married to each other. (Specify state, county, and date of dissolution):
 - c. are related to each other by blood, marriage, or adoption. (Specify relationship):
 - d. live together.
 - e. formerly lived together.
 - f. have had a dating or engagement relationship.
 - g. are parents of a minor child together.
 - h. are parents of a minor child together and an action to establish paternity has been or is being filed. (If known, specify case number and county):
 - i. are parents of a minor child together and a governmental action to establish or modify child support has been or is being filed. (If known, specify case number and county):
 - j. are parents of a minor child together and have signed a Voluntary Declaration of Paternity form regarding the child.

(THIS IS NOT AN ORDER)
 (Continued on reverse)

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PERSON SEEKING ORDER (name): PAT GARCIA	CASE NUMBER:
PERSON TO BE RESTRAINED (name): CHRIS JONES	

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5. The person to be restrained has (check at least one box):
- a. assaulted or attempted to assault me or another member of my household.
 - b. caused, threatened, or attempted bodily injury to me or another member of my household.
 - c. made me or another member of my household afraid of physical or emotional harm.
 - d. sexually assaulted or attempted to sexually assault me or another member of my household.
 - e. stalked me.
 - f. other (describe in item 20).

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6. a. The person to be restrained and I (you must check (1) or (2) below):
- (1) have no minor children together.
 - (2) have minor children together.
- | | |
|---------------------|-------------------|
| <u>Child's name</u> | <u>Birth date</u> |
| Richard Jones | December 26, 1994 |

- (3) A juvenile dependency petition has been filed. (If known, specify case numbers):
- b. If you are seeking an order regarding custody or visitation of your children, you must attach a Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (form MC-150) and a Child Custody, Visitation, and Support Attachment to Application and Declaration for Order (Domestic Violence Prevention) (form DV-100A).

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I REQUEST THE COURT TO MAKE THE ORDERS INDICATED BY THE CHECK MARKS IN THE BOXES BELOW.

7. PERSONAL CONDUCT ORDER To be ordered now and effective until the hearing.
- Restrained person must not contact, molest, harass, attack, strike, threaten, sexually assault, batter, telephone, send any messages to, follow, stalk, destroy my personal property, disturb my peace, keep me under surveillance, or block my movements in public places or thoroughfares
- and that of the other protected persons listed in item 1.

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8. RESIDENCE EXCLUSION ORDER To be ordered now and effective until the hearing.
- Restrained person must immediately move from and must not return to (address):
- 123 Long Street, My Town, CA 90000
- and may take only personal clothing and effects needed until the hearing.
- I am entitled to live at the address above because (specify facts):

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Chris Jones and I moved in here in January of 1995, and I paid my share of the rent check every month since we have lived together. I don't have receipts since I had to leave all my papers in the house.

9. STAY-AWAY ORDER To be ordered now and effective until the hearing.
- Restrained person must stay at least (specify): 100 yards away from the following persons and places: (The addresses are optional and you do not have to provide them.)
- a. Myself
 - b. The other protected persons listed in item 1
 - c. My residence (address optional):
 - d. My place of work (address optional):
 - e. The children's school or place of child care (address optional): 123 School Street, My Town
 - f. My vehicle (year, make, model, color, and license plate number are optional): 1992 navy blue Ford Escort
 - g. Other (specify): my church, My Town Church
124 Church St., My Town
(Chris is not a member of this church.)

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10. If the restrained person is ordered to stay away from all the places requested in item 9, will the restrained person still be able to get to his or her residence, school, place of employment, or place of worship? Yes No (If no, explain):
- If he has to stay away from our residence, he will have to find another place to live. He can stay with his family and friends in the area. It is hard for our children to be out of our house.

(THIS IS NOT AN ORDER)
(Continued on page three)

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PERSON SEEKING ORDER (name): PAT GARCIA	CASE NUMBER:
PERSON TO BE RESTRAINED (name): CHRIS JONES	

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11. FIREARM RELINQUISHMENT (to be ordered now and effective until the hearing)

I request that the restrained person sell or give up any firearms that he or she has or controls for a period not to exceed the duration of the restraining order. (Please describe any use of or threat regarding use of firearms in item 20.)

W

X

12. RECORDING OF PROHIBITED COMMUNICATIONS To be ordered now and effective until the hearing.

I request the right to record any prohibited communications made to me by the restrained person.

Y

Z

13. PROPERTY CONTROL To be ordered now and effective until the hearing.

a. I request that I be given the exclusive temporary use, possession, and control of the following property we own or are buying (specify): 1992 navy blue Ford Escort

b. I request that the restrained person be ordered to make the following payments on debts due while the order is in effect:

<u>Debt/Bill</u>	<u>Amount of payment</u>	<u>Pay to</u>
\$1250	\$200 per mo.	Used Car Credit Services
\$746	\$25 per mo.	Sears
\$75	\$50 per mo.	PG&E

c. This order is necessary because (specify):

I need the car to go to work because there is no public transportation in my neighborhood. I also need to pick up the kids from school. I don't have money for these bills right now.

d. I am married to the restrained person and request that he or she be restrained from transferring, borrowing against, selling, hiding, or in any way disposing of any real or personal property, whether community, quasi-community, or separate, except in the usual course of business or for necessities of life. I further request that the restrained person notify me of any proposed extraordinary expenditures and to account to the court for all extraordinary expenditures.

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14. ATTORNEY FEES AND COSTS

I request that my attorney fees and costs be paid by the restrained person as follows (to be awarded attorney fees and costs, you must attach a completed Income and Expense Declaration [forms 1285.50, 1285.50a, 1285.50b, and 1285.50c]):

BB

15. RESTITUTION

I request that the restrained person be ordered to pay the following lost earnings and other actual expenses or costs of services caused directly by the conduct alleged in this application, including but not limited to expenses for medical care and temporary housing:

<u>Type of loss</u>	<u>Pay to</u>	<u>Amount of claim</u>	<u>Due date</u>
medical bill	General Hospital	\$200	January 1, 2000
front door lock	Smith's Lock Services	\$60	July 15, 1999

CC

16. BATTERER'S TREATMENT

I request that the restrained person participate in a certified batterer's program.

DD

17. LAW ENFORCEMENT

I request that copies of orders be given to the following law enforcement agencies:

<u>Law enforcement agency</u>	<u>Address</u>
My Neighborhood Police	500 Neighborhood Ave., My Town, CA
Monte Police Dept.	90000 9000 Bay Blvd., Monte, CA 90009

(THIS IS NOT AN ORDER)
(Continued on reverse)

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18. I request a court order waiving the fees payable to a law enforcement agency for serving restraining orders on the restrained person. (If you wish to ask the court to waive the fees payable to law enforcement, you must complete and file with this application an Application for Waiver of Court Fees and Costs [form 982(a)(17)].)

FF

19. I request that time for service of the Order to Show Cause and accompanying papers be shortened so that they may be served no less than (specify number): 3 days before the date set for the hearing. I need this process shortened because of the facts contained in this application. (Add additional facts if necessary):

I need extra time to serve Chris Jones because Chris works strange hours and sometimes skips work. I think Chris will probably avoid trying to be served.

GG

20. DESCRIPTION OF CONDUCT
 Describe in detail the most recent incidents of abuse. List each incident separately by date. Describe the incident, including who did what to whom, whether any firearms or other weapons were used or threatened, and any injuries. Describe any history of abuse.

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Continued on Attachment 20.

On June 28, 1999, Chris Jones came home drunk around 5 a.m. after work and woke me up by kicking in the bedroom door. Then Chris pulled me out of bed and accused me of sleeping with someone else. I said, "I don't know what you are talking about." Chris call me a "lying snake" and said, "I'll show you who's the boss around here." I was crying and our son Richard woke up and started crying in the next room. Chris got up and kicked me in the ribs, over and over, saying, "now look what you did--you woke up the kids." Then Chris yelled to Richard to "shut up, or I'll make you shut up." Richard stopped crying. I stayed on the floor and tried to keep quiet. Finally Chris went to sleep. I got up and went to the hospital. I had three broken ribs.

The most recent time Chris hit me before that was in the middle of February of this year. Richard was crying, and I was trying to keep him quiet, and Chris said I didn't know what I was doing, and that I'd better make the kid shut up. I couldn't get Richard to calm down, so Chris punched me in the face in front to Richard. I couldn't eat for a week after that.

Chris started threatening me and cursing me after we got married. The first time Chris hit me was when he got really drunk right after Richard was first born in November 1994. I went and got a restraining order against him then, but we got back together because it was too hard with the children, and I didn't know about getting child support

II

21. OTHER ORDERS (specify other orders you request to help carry out the orders previously requested):

Chris Jones must not take any documents from the house. I need the kids' birth certificates, the lease, and other important documents.

PLEASE NOTE THAT ALL ORDERS ISSUED BY THE COURT, AS WELL AS THIS APPLICATION AND DECLARATION, MUST BE PERSONALLY SERVED ON THE RESTRAINED PERSON. NO PERSON TO BE PROTECTED, INCLUDING YOURSELF, MAY PERSONALLY SERVE THE ORDER.

JJ

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
 Date: July 1, 1999

KK

Pat Garcia
 (TYPE OR PRINT NAME)

Pat Garcia
 (SIGNATURE OF PARTY SEEKING RESTRAINING ORDER)

LL

(THIS IS NOT AN ORDER)