

DV-100

Request for Domestic Violence Restraining Order

You must also complete Form CLETS-001, Confidential CLETS Information, and give it to the clerk when you file this Request.

Clerk stamps date here when form is filed.

FILED

SUPERIOR COURT OF CALIFORNIA COUNTY OF ORANGE LAMOREAUX JUSTICE CENTER

JAN 31 2017

DAVID H. YAMASAKI, Clerk of the Court

BY: V. RAMIREZ DEPUTY

1 Name of Person Asking for Protection:

Johnathan Hernandez Age: 24

Your lawyer in this case (if you have one):

Name: State Bar No.:

Firm Name:

Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, or e-mail.):

Address: 422 E. Chestnut Ave #A

City: Santa Ana State: CA Zip: 92701

Telephone: 714 815-1099 Fax:

E-Mail Address:

Fill in court name and street address:

Superior Court of California, County of Orange

Lamoreaux Justice Center 341 The City Drive P.O Box 14169 Orange, CA 92863-1570 Family Law

Court fills in case number when form is filed.

Case Number:

17V000227

2 Name of Person You Want Protection From:

Alicia Rodriguez

Description of person you want protection from:

Sex: M F Height: 4'11" Weight: 120 Hair Color: Brown Eye Color: Brown

Race: Hispanic Age: 27 Date of Birth: 12/26/89

Address (if known): 1213 Riderwood Ave

City: Hacienda Heights State: CA Zip: 91745

3 Do you want an order to protect family or household members? Yes No

If yes, list them:

Table with columns: Full name, Sex, Age, Lives with you?, Relationship to you. Row 1: Evoni Hernandez, F, 7, Yes, Daughter.

Check here if you need more space. Attach a sheet of paper and write "DV-100, Protected People" for a title.

What is your relationship to the person in 2? (Check all that apply):

- a. We are now married or registered domestic partners.
b. We used to be married or registered domestic partners.
c. We live together.
d. We used to live together.
e. We are related by blood, marriage, or adoption (specify relationship):
f. We are dating or used to date, or we are or used to be engaged to be married.
g. We are the parents together of a child or children under 18:

If you do not have one of these relationships, the court may not be able to consider your request. Read Form DV-500-INFO for help.

Child's Name: Date of Birth:
Child's Name: Date of Birth:
Child's Name: Date of Birth:

Check here if you need more space. Attach a sheet of paper and write "DV-100, Additional Children" for a title.

h. We have signed a Voluntary Declaration of Paternity for our child or children. (Attach a copy if you have one).

This is not a Court Order.

THIS CASE IS ASSIGNED FOR ALL PURPOSES TO COMMISSIONER RENEE E. WILSON DEPT. 411

DOMESTIC VIOLENCE  
ASSISTANCE

Case Number: **17V000227**

**5 Other Restraining Orders and Court Cases**

a. Are there any restraining/protective orders currently in place OR that have expired in the last six months (emergency protective orders, criminal, juvenile, family)?

No  Yes (date of order): \_\_\_\_\_ and (expiration date): \_\_\_\_\_ (Attach a copy if you have one).

b. Have you or any other person named in 3 been involved in another court case with the person in 2?

No  Yes If yes, check each kind of case and indicate where and when each was filed:

Kind of Case	County or Tribe Where Filed	Year Filed	Case Number (if known)
<input type="checkbox"/> Divorce, Nullity, Legal Separation	_____	_____	_____
<input type="checkbox"/> Civil Harassment	_____	_____	_____
<input type="checkbox"/> Domestic Violence	_____	_____	_____
<input type="checkbox"/> Criminal	_____	_____	_____
<input type="checkbox"/> Juvenile, Dependency, Guardianship	_____	_____	_____
<input type="checkbox"/> Child Support	_____	_____	_____
<input type="checkbox"/> Parentage, Paternity	_____	_____	_____
<input type="checkbox"/> Other (specify): _____	_____	_____	_____
<input type="checkbox"/> Check here if you need more space. Attach a sheet of paper and write "DV-100, Other Court Cases" for a title.			

**Check the orders you want.**

**6  Personal Conduct Orders**

I ask the court to order the person in 2 not to do the following things to me or anyone listed in 3 :

- a.  Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, impersonate (on the Internet, electronically or otherwise), or block movements
- b.  Contact, either directly or indirectly, in any way, including but not limited to, by telephone, mail or e-mail or other electronic means

*The person in 2 will be ordered not to take any action to get the addresses or locations of any protected person unless the court finds good cause not to make the order.*

**7  Stay-Away Order**

a. I ask the court to order the person in 2 to stay at least 100 \_\_\_\_\_ yards away from (check all that apply):

- Me  My school
- My home  Each person listed in 3
- My job or workplace  The child(ren)'s school or child care
- My vehicle  Other (specify): \_\_\_\_\_

b. If the person listed in 2 is ordered to stay away from all the places listed above, will he or she still be able to get to his or her home, school, job, workplace, or vehicle?  Yes  No (If no, explain):

**8  Move-Out Order**

*(If the person in 2 lives with you and you want that person to stay away from your home, you must ask for this move-out order.)*

I ask the court to order the person in 2 to move out from and not return to (address):

I have the right to live at the above address because (explain):

**This is not a Court Order.**



DOMESTIC VIOLENCE  
ASSISTANCE

Case Number:

17V000227

9 Guns or Other Firearms or Ammunition

I believe the person in (2) owns or possesses guns, firearms, or ammunition.  Yes  No  I don't know  
If the judge approves the order, the person in (2) will be ordered not to own, possess, purchase, or receive a firearm or ammunition. The person will be ordered to sell to, or store with, a licensed gun dealer, or turn in to law enforcement, any guns or firearms that he or she owns or possesses.

10  Record Unlawful Communications

I ask for the right to record communications made to me by the person in (2) that violate the judge's orders.

11  Care of Animals

I ask for the sole possession, care, and control of the animals listed below. I ask the court to order the person in (2) to stay at least \_\_\_\_\_ yards away from and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of the following animals:

I ask for the animals to be with me because:

12  Child Custody and Visitation

a.  I do not have a child custody or visitation order and I want one.

b.  I have a child custody or visitation order and I want it changed.

If you ask for orders, you must fill out and attach Form DV-105, Request for Child Custody and Visitation Orders. You and the other parent may tell the court that you want to be legal parents of the children (use Form DV-180, Agreement and Judgment of Parentage).

13  Child Support (Check all that apply):

a.  I do not have a child support order and I want one.

b.  I have a child support order and I want it changed.

c.  I now receive or have applied for TANF, Welfare, CalWORKS, or Medi-Cal.

If you ask for child support orders, you must fill out and attach form FL-150, Income and Expense Declaration or Form FL-155, Financial Statement (Simplified).

14  Property Control

I ask the court to give *only* me temporary use, possession, and control of the property listed here:

15  Debt Payment

I ask the court to order the person in (2) to make these payments while the order is in effect:

Check here if you need more space. Attach a sheet of paper and write "DV-100, Debt Payment" for a title.

Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_

16  Property Restraint

I am married to or have a registered domestic partnership with the person in (2). I ask the judge to order that the person in (2) not borrow against, sell, hide, or get rid of or destroy any possessions or property, except in the usual course of business or for necessities of life. I also ask the judge to order the person in (2) to notify me of any new or big expenses and to explain them to the court.

17  Spousal Support

I am married to or have a registered domestic partnership with the person in (2) and no spousal support order exists. I ask the court to order the person in (2) to pay spousal support. (You must complete, file, and serve Form FL-150, Income and Expense Declaration, before your hearing).

**This is not a Court Order.**



DOMESTIC VIOLENCE  
ASSISTANCE

Case Number:

17V000227

**18**  **Rights to Mobile Device and Wireless Phone Account**

a.  **Property control of mobile device and wireless phone account**

I ask the court to give **only** me temporary use, possession, and control of the following mobile devices:

\_\_\_\_\_ and the wireless phone account for the following wireless phone numbers because the account currently belongs to the person in **(2)**:

(including area code): \_\_\_\_\_  my number  number of child in my care

(including area code): \_\_\_\_\_  my number  number of child in my care

(including area code): \_\_\_\_\_  my number  number of child in my care

Check here if you need more space. Attach a sheet of paper and write "DV-100, Rights to Mobile Device and Wireless Phone Account" for a title.

b.  **Debt Payment**

I ask the court to order the person in **(2)** to make the payments for the wireless phone accounts listed in 18a because: \_\_\_\_\_

Name of the wireless service provider is: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due Date: \_\_\_\_\_

*If you are requesting this order, you must complete, file, and serve Form FL-150, Income and Expense Declaration, before your hearing.*

c.  **Transfer of Wireless Phone Account**

I ask the court to order the wireless service provider to transfer the billing responsibility and rights to the wireless phone numbers listed in 18a to me because the account currently belongs to the person in **(2)**.

*If the judge makes this order, you will be financially responsible for these accounts, including monthly service fees and costs of any mobile devices connected to these phone numbers. You may be responsible for other fees. You must contact the wireless service provider to find out what fees you will be responsible for and whether you are eligible for an account.*

**19**  **Insurance**

I ask the court to order the person in **(2)** NOT to cash, borrow against, cancel, transfer, dispose of, or change the beneficiaries of any insurance or coverage held for the benefit of me or the person in **(2)**, or our child(ren), for whom support may be ordered, or both.

**20**  **Lawyer's Fees and Costs**

I ask that the person in **(2)** pay some or all of my lawyer's fees and costs.

*You must complete, file, and serve form FL-150, Income and Expense Declaration, before your hearing.*

**21**  **Payments for Costs and Services**

I ask the court to order the person in **(2)** to pay the following:

*You can ask for lost earnings or your costs for services caused directly by the person in **(2)** (damaged property, medical care, counseling, temporary housing, etc.). You must bring proof of these expenses to your hearing.*

Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_

Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_

**22**  **Batterer Intervention Program**

I ask the court to order the person listed in **(2)** to go to a 52-week batterer intervention program and show proof of completion to the court.

**23**  **Other Orders**

What other orders are you asking for? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Check here if you need more space. Attach a sheet of paper and write "DV-100, Other Orders" for a title.

**This is not a Court Order.**



**24**  **Time for Service (Notice)**

The papers must be personally served on the person in ② at least five days before the hearing, unless the court orders a shorter time for service. If you want there to be fewer than five days between service and the hearing, explain why below. For help, read form DV-200-INFO, "What Is Proof of Personal Service"?

**25** **No Fee to Serve (Notify) Restrained Person**

If you want the sheriff or marshal to serve (notify) the restrained person about the orders for free, ask the court clerk what you need to do.

**26** **Court Hearing**

The court will schedule a hearing on your request. If the judge does not make the orders effective right away ("temporary restraining orders"), the judge may still make the orders after the hearing. If the judge does not make the orders effective right away, you can ask the court to cancel the hearing. Read form DV-112, Waiver of Hearing on Denied Request for Temporary Restraining Order, for more information.

**27** **Describe Abuse**

Describe how the person in ② abused you. Abuse means to intentionally or recklessly cause or attempt to cause bodily injury to you; or to place you or another person in reasonable fear of imminent serious bodily injury; or to harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, keep you under surveillance, impersonate (on the Internet, electronically or otherwise), batter, telephone, or contact you; or to disturb your peace; or to destroy your personal property. (For a complete definition, see Fam. Code, §§ 6203, 6320.)

a. Date of most recent abuse: 1-30-17

1. Who was there? Alicia Rodriguez

2. Describe how the person in ② abused you or your child(ren):  
I live in my residence with my 7 year old daughter. I recently left my girlfriend of 2 years. We had a move out on 11/25/17. She is no longer with me and is not living in the residence. She recently contacted my land lord requesting a Key to enter my home. We are separated now and has her belongings. She will not stop

Check here if you need more space. Attach a sheet of paper and write "DV-100, Recent Abuse" for a title.

3. Did the person in ② use or threaten to use a gun or any other weapon?  No  Yes (If yes, describe):

4. Describe any injuries:

5. Did the police come?  No  Yes  
If yes, did they give you or the person in ② an Emergency Protective Order?  Yes  No  I don't know  
Attach a copy if you have one.

The order protects  you or  the person in ②

**This is not a Court Order.**



DV-100, Item 27 "Description of Abuse"

Recent Abuse

Previous Abuse

17V000227

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

harassing me. I have expressed my interest to not speak to her and have blocked all contact from her. My landlord is now aware that i do not want her to enter my residence. She is trying to enter my home and take my belongings if I do not have this protection. My daughter and I do not feel safe with her having access to our home.

I declare under penalty of perjury, under the laws of the State of California that the above is true and correct to the best of my knowledge. If called upon, I am competent to testify to the matters contained herein of my own personal knowledge.

Executed this day, 1 31, 2017 in Orange, California  
Month Day

Signature [Handwritten Signature]

**\*\*DO NOT WRITE ON THE BACK OF THIS SHEET\*\***

**27 Describe Abuse (continued)**

Has the person in **2** abused you (or your child(ren)) other times?

b. Date of abuse: 1/20/17

1. Who was there? Myself, Alicia.

2. Describe how the person in **2** abused you or your child(ren):  
I recently had my phone blocked and reported stolen by Alicia in an attempt to affect my work life. I separated with her and she would not stop contacting me. She had requested for me to help with a flat tire emergency.

Check here if you need more space. Attach a sheet of paper and write "DV-100, Recent Abuse" for a title.

3. Did the person in **2** use or threaten to use a gun or any other weapon?  No  Yes (If yes, describe):

4. Describe any injuries: \_\_\_\_\_

5. Did the police come?  No  Yes

If yes, did they give you or the person in **2** an Emergency Protective Order?

Yes  No  I don't know Attach a copy if you have one.

The order protects  you or  the person in **2**

If the person in **2** abused you other times, check here  and use Form DV-101, Description of Abuse or describe any previous abuse on an attached sheet of paper and write "DV-100, Previous Abuse" for a title.

**28 Other Persons to Be Protected**

The persons listed in item **3** need an order for protection because (describe):

She is affecting my daughters emotional health.

**29** Number of pages attached to this form, if any: 3

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: 1-31-17

Josua Hernandez  
Type or print your name

[Signature]  
Sign your name

Date: 1-31-17

\_\_\_\_\_  
Lawyer's name, if you have one

\_\_\_\_\_  
Lawyer's signature

**This is not a Court Order.**

DV-100, Item 27 "Description of Abuse"

Recent Abuse

Previous Abuse

17V000227

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

and i obliged. mistakenly. I let her stay a night at my house and stated I could no longer be with her. The following day out of spite she reported my phone as stolen. I am now unable to use my phone at my carrier because of it. I am afraid of what else she may do to affect the lives of my child and myself. I need this protection or she will continue to attempt to sabotage my life.

I declare under penalty of perjury, under the laws of the State of California that the above is true and correct to the best of my knowledge. If called upon, I am competent to testify to the matters contained herein of my own personal knowledge.

Executed this day, 1 31, 2017 in Orange, California  
Month Day

Signature 

**\*\*DO NOT WRITE ON THE BACK OF THIS SHEET\*\***



DV-100, Item 27 "Description of Abuse"

No Violence

Recent Abuse

Previous Abuse

17V000227

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

January 18, 2017

I was home with my daughter (7) and girlfriend at the time Alicia Rodriguez and was asking her to help me with house work. She got upset and stated she was relaxing and that i could do it myself. I proceeded to do the work, as i went on my way i could hear her talking and attempting to argue with me. I asked her to please not disrespect me in front of my child and that if she'd like to communicate we do so in private. She still continued to yell and stated she hated me, I then asked her to leave. She refused too. I broke up with her and didnt want her near me or my child. She stated she would stay, I called the Santa Ana PD to remove her, they did. She is still harrassing me and is not allowing me to live life without being harrassed.

I declare under penalty of perjury, under the laws of the State of California that the above is true and correct to the best of my knowledge. If called upon, I am competent to testify to the matters contained herein of my own personal knowledge.

Executed this day, 1 31, 2017 in Orange, California  
Month Day

Signature 

**\*\*DO NOT WRITE ON THE BACK OF THIS SHEET\*\***

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name & Address): Johnathan Hernandez	DOMESTIC VIOLENCE ASSISTANCE	FOR COURT USE ONLY
422 E. Chestnut Ave #A Santa Ana CA 92701		ATTACHMENT JAN 31 2017
TELEPHONE NO.: 714 815-1099 FAX NO. (Optional):	E-MAIL ADDRESS (Optional):	
ATTORNEY FOR (Name): In Pro Per	BAR NO.:	
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE</b>		
JUSTICE CENTER:		
<input type="checkbox"/> Central - 700 Civic Center Dr. West, Santa Ana, CA 92701-4045		
<input checked="" type="checkbox"/> Lamoreaux - 341 The City Drive, Orange, CA 92868-3205		
PETITIONER/PROTECTED PARTY: Johnathan Hernandez		
RESPONDENT/RESTRAINED PARTY: Alicia Rodriguez		
<b>DECLARATION RE: NOTICE OF EX PARTE APPLICATION (FAMILY LAW)</b>		CASE NUMBER: 17V000227

Use one form for each person to whom notice was given.

I, Johnathan Hernandez, declare that:

(PRINT NAME)

(Check and complete section 1 below if notice was given to the opposing party regarding the ex parte application. Check and complete section 2 below if notice was not given.)

1.  I informed the other party in this action, (list party): Alicia Rodriguez, that I would be seeking a  temporary restraining order  other ex parte hearing (specify) \_\_\_\_\_

a. Date and time informed: 1/31/17 @ 8:55 AM

b. How informed:

- (1)  By telephone (name): \_\_\_\_\_
- (2)  By telephone to the attorney (name): \_\_\_\_\_
- (3)  By personally informing (name): \_\_\_\_\_
- (4)  Other: left a voicemail to (714) 746-6695

c. I informed the person listed above that he/she should appear at the following location on (date) 1/31/17 at (time) 1:30 PM if he/she wished to be heard by the court:


- (1)  Dept. \_\_\_\_\_ located at Lamoreaux Justice Center, 341 The City Drive, Orange, CA 92868
- (2)  Dept. \_\_\_\_\_ located at Central Justice Center, 700 Civic Center Drive West, Santa Ana, CA 92701
- (3)  Family Law Clerk's Office located at Lamoreaux Justice Center, 341 The City Drive, 7<sup>th</sup> Floor, Orange, CA 92868 (Give notice to appear in the Family Law Clerk's Office if no courtroom has been assigned.)

2.  I have not given notice to the other party in this action for the following reason (Include any attempts made, if you were unable to serve):

I called her several times this morning so I could speak with her, but she never picked up. I also called her from an office number but she did not pick up

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 1/31/17

  
 (SIGNATURE OF DECLARANT)  
 Johnathan Hernandez

DOMESTIC VIOLENCE  
ASSISTANCE  
INFORMATION SHEET—EX PARTE MATTERS

NOTICE REQUIREMENTS

**ALL EX PARTE APPLICATIONS EXCEPT DOMESTIC VIOLENCE, ELDER AND DEPENDENT ADULT ABUSE MATTERS AND DISCOVERY MOTIONS.**

Notice must be given by telephone or in writing to the self-represented party or to the opposing attorney so that it is received not later than **10:00 a.m.** on the **court day before the ex parte matter will be presented to the judicial officer.** A party may request the notice be waived by writing a declaration signed under penalty of perjury which explains facts showing good cause not to give the notice. A judicial officer may approve a waiver of notice for good cause.

**EX PARTE APPLICATIONS WHICH INVOLVE DOMESTIC VIOLENCE, ELDER ABUSE, OR DEPENDENT ADULT ABUSE MATTERS**

Notice must be given by telephone or in writing to the self-represented party or to the opposing attorney so that it is received not later than **four (4) hours** before the time **the ex parte matter will be presented to the judicial officer.** A party may request the notice be waived by writing a declaration signed under penalty of perjury which explains facts showing good cause not to give the notice. A judicial officer may approve a waiver of notice for good cause.

**ALL EX PARTE APPLICATIONS**

1. Notice of the Ex Parte Application must include:
  - a. A statement of the relief being requested from the court (example: a request to continue the trial; a restraining order is requested)
  - b. A statement that the opposing party is entitled to attend the court hearing in person or by an attorney when the Ex Parte Application is presented to the court
  - c. The name and address of the court where the Ex Parte Application will be presented.
    - (1) If a case is not previously assigned to a specific judicial officer, the notice must instruct the responding party to appear at a specific time in the Family Law Clerk's Office (7<sup>th</sup> Floor) at Lamoreaux Justice Center, 341 The City Drive, Orange, California 92868. The Clerk's Office will direct the parties to the appropriate courtroom.
    - (2) If a case is previously assigned to a judicial officer for all purposes, then the notice must instruct the responding party to appear in that Department at a specific time and date.
      - (a) Departments beginning with the letter "C" are located at Central Justice Center, 700 Civic Center Drive West, Santa Ana, California 92701.
      - (b) Departments beginning with the letter "L" are located at Lamoreaux Justice Center, 341 The City Drive, Orange, California 92868.
2. Ex parte family law discovery motions are governed by rule 3.1203(a) of the California Rules of Court.