

Quick Reference for Types of Requests in Domestic Violence Restraining Orders

<u>Type Of Request</u>	<u>What It Is Important For The Court To Know</u>	<u>Examples Of Important Common Facts Or Types Of Facts To Support The Request</u>
Child Custody and Visitation	1. Best interests of the child, including: <ul style="list-style-type: none"> • History of DV • Child abuse or neglect • Substance abuse • Mental health concerns 	<ul style="list-style-type: none"> • Respondent (RP) committed acts of abuse in front of the children • RP has a history of substance abuse AND the substance abuse affects RP's ability to care for the child • RP has put the child in danger (e.g. DUI w/ child in car, abused Petitioner (Pet.) while one of them driving w/kids, left unsafe items in child's reach) • RP has an undiagnosed or untreated mental health issue that impairs RP's ability to safely or appropriately care for the children
	2. History of Caretaking	<ul style="list-style-type: none"> • Which parent changed diapers, prepared meals, fed, bathed, helped with homework, did laundry, did grocery shopping, put to bed, spend most time
	3. History of Decision-making	<ul style="list-style-type: none"> • Which parent enrolled in school, took to doctor appointments, attended parent-teacher conferences. Which parent school calls if there is an issue.
Care of Animals	1. Does Pet. have a right to possession of the animal?	<ul style="list-style-type: none"> • This is Pet.'s support animal • Pet. purchased the animal • It was Pet.'s animal prior to the relationship • Pet. cares for the animal, feeds it, grooms it, takes to the vet, etc.
	2. Is there a risk of harm to the animal?	<ul style="list-style-type: none"> • RP has harmed the animal in the past (hit, kicked, starved, neglected, etc.) • RP has threatened the animal • RP has killed or harmed past animals of Pet. • RP has used the animal as a tool to control Pet.
	3. Is Pet. less safe without protection for the animal?	<ul style="list-style-type: none"> • Pet. has chosen not to leave or returned to the relationship in the past because of fear for the animal's safety
Property Control	1. Which property Pet. needs temporary use and control over	<ul style="list-style-type: none"> • Pet. requests temporary use of the family vehicle, the family home, a jointly run business, a jointly used computer, etc.
	2. Why Pet. has a right to control the property	<ul style="list-style-type: none"> • It was purchased during marriage and is community property • Both parties are on title to the property • Pet. purchased it or the parties purchased it together
	3. Why does Pet. need this temporary control urgently?	<ul style="list-style-type: none"> • The vehicle has been Pet.'s primary mode of transportation • RP has another vehicle to use • Pet. uses the vehicle to go to work or to transport the kids • Pet. uses the laptop to work, or the kids use it for school • Pet. performs the main functions for the business and is the better party to keep it operating
Debt Payment	1. Which debts Pet. is asking RP to pay, including: <ol style="list-style-type: none"> 1) Who payment is made to; 2) Purpose of payment; 3) Amount of payment; 4) Payment due date 	<ul style="list-style-type: none"> • Mortgage payment is made to Wells Fargo Financial for \$1,600 due on the 5th of each month • Credit Card payment for Chase Slate credit card ending in xxxx for \$50 is due on 7/14/21.
	2. Why RP should be ordered to make the payment	<ul style="list-style-type: none"> • Pet. has no income or money available • RP is the only party with income or money available to make the payments • RP has always made these payments • Pet.'s credit will be harmed if the payments are not made
Payments for Costs and Services	1. How the cost or service is related to the abuse	<ul style="list-style-type: none"> • Medical/dental bills are from injuries from an incident of abuse • Pet. pays for therapy to deal w/ emotional harm from abuse • Pet. had to pay to repair property that was damaged from an incident of abuse
	2. The amount requested	<ul style="list-style-type: none"> • It cost/will cost \$xx.xx to repair or replace the damaged item. • It costs \$xx per session for therapy, and Pet. attends once per week/once per month/twice per month. • Medical/dental bills for injuries caused from abuse total \$xx.xx. • Attach receipts or invoices if possible

Type Of Request	What It Is Important For The Court To Know	Examples Of Important Common Facts Or Types Of Facts To Support The Request
Child Support	1. Determined by a guideline formula based on parties' income & amount of time children are w/ each parent	<ul style="list-style-type: none"> • A complete Income and Expense Declaration (form FL-150) with Pet.'s last two months' paystubs must be filed and served on the other party before the hearing.
Spousal Support	1. The work history and earning ability of the parties	<ul style="list-style-type: none"> • RP was the income-earner during marriage • RP has the ability to earn more than Pet. due to more work experience or education • Pet. has no or limited work history • Pet. does not have legal permission to work in the U.S. • Pet. does not speak English • Pet. has limited education • Pet.'s age or health conditions limit their ability to work
	2. The parties' respective incomes, RP's ability to pay, and Pet.'s need for support	<ul style="list-style-type: none"> • A complete Income and Expense Declaration (form FL-150) with Pet.'s last two months' paystubs must be filed and served on the other party before the hearing • Pet. is unemployed or has minimal income • RP earns significantly more income than Pet. • Pet. will be unable to meet basic needs without support
Other Orders: Return of Personal Items to Pet.	1. What items does Pet. request that RP return?	<ul style="list-style-type: none"> • Pet. requests that RP return Pet.'s passport, ID, birth certificate, clothing, photos, etc.
	2. Why is Pet. entitled to the items from RP?	<ul style="list-style-type: none"> • The items are Pet.'s personal property and do not belong to RP • The items were gifts to Pet. or were purchased before the marriage and are Pet.'s separate property
	3. Why does Pet. need the items returned urgently?	<ul style="list-style-type: none"> • Pet. has no other clothing and cannot replace clothing • Pet. needs driver's license or ID to drive, work, enter certain buildings, or prove identity • Pet. is concerned that RP will destroy or dispose of the items because...
Other Orders: Posting Private or Embarrassing Images	1. Pet. has reason to believe that RP has private or embarrassing images or recordings of Pet.	<ul style="list-style-type: none"> • Pet. has sent private images to RP • The parties have made private recordings together that are in RP's possession • Pet. has reason to believe RP took or created images of Pet. without consent
	2. Pet. has reason to believe RP will or has shared the images	<ul style="list-style-type: none"> • RP shared images of Pet. in the past or threatened to do so • RP shared images of others in past relationships or breakups • RP has used the existence of the images to control Pet.
Other Orders: Posting Abusive Info, Comments or Statements	1. The comments/info Pet. seeks to restrain are abusive	<ul style="list-style-type: none"> • RP is sharing Pet.'s private messages, emails, or other data or information • RP is posting or publicly sharing threats of harm or other abuse • RP is publicly disparaging Pet. so as to cause embarrassment or harm
	2. RP has posted or threatened to post abusive comments	<ul style="list-style-type: none"> • RP has previously engaged sharing abusive comments or private info • RP has threatened to share private info or make public abusive comments
Other Orders: Accessing Accounts	3. Pet. has reason to believe RP has or will access Pet.'s accounts without permission	<ul style="list-style-type: none"> • RP knows information that would only be known by accessing accounts • Pet. saw logins from devices Pet. does not recognize • RP has accessed Pet.'s accounts or spied on Pet. in the past or has threatened to do so
	4. RP has means to access the accounts	<ul style="list-style-type: none"> • RP knew Pet.'s passwords • RP knows other security information to gain access
Substance Abuse Treatment or Drug Tests	1. How Pet. knows RP is abusing a substance	<ul style="list-style-type: none"> • Pet. has witnessed RP using a controlled substance • Pet. has observed the effects of RP's use of the substance (e.g. smelled on breath, seen slurring, etc.) • Pet. has found the controlled substance in RP's possession • RP has admitted to use of the controlled substance
	2. How RP's substance abuse is related to abuse or custody	<ul style="list-style-type: none"> • RP's abuse happens or escalates when RP is under the influence of the controlled substance • RP's behavior puts Pet. or the children at increased risk of harm because...