



Obtaining a Restraining Order at FVLC

CLIENT CALLS THE CRISIS LINE AT 1 (800) 947-8301

- Client talks with domestic violence advocate, who conducts a Legal Intake to determine whether the client qualifies for legal services. FVLC also takes walk-in intakes on Mondays and Wednesdays from 9:30 a.m. to 3:00 p.m., and on Fridays from 1:00 p.m. to 4:00 p.m.
- If yes, advocate forwards Intake to Legal Department to schedule a consultation.
- If no, a member of the legal team will call the client to explain reasoning and offer information & referrals.

CONSULTATION

- **Individual appointment** with an attorney to determine scope of assistance, either paperwork preparation only (no in-court representation) OR paperwork preparation and representation at the hearing.
- **Clinic appointment** in a group setting with an attorney or paralegal for paperwork assistance.
 - **Oakland Clinic** is Wednesdays from 10:00 a.m. to 1:00 p.m. at the Family Justice Center, 470 27th St, Oakland; ONLY for clients who can speak, read and write in English; no walk-ins.
 - **Hayward Clinic** is Tuesdays from 9:30 a.m. to 1:30 p.m. at the Hayward Hall of Justice, Dept. 511, 24405 Amador St, Hayward; serves English AND Spanish-speaking clients; takes walk-ins.

LEGAL PAPERWORK PICK UP AND SERVICE

- FVLC prepares and files all legal paperwork.
- A Temporary Restraining Order (TRO) should be ready within 2-3 days of filing.
- FVLC will notify client when the TRO is ready, and the client must pick up the TRO from FVLC.
- The TRO will last for about 3 weeks, until the court date.
- Client MUST have the TRO personally served on the restrained party 5 days before hearing; it must be hand-delivered to the responding person to give notice of the hearing date and TRO.
 - The TRO is NOT valid or enforceable by the police until it is served on the restrained party.
 - If the petitioner does not achieve proper service and bring the Proof of Service form to court, the court CANNOT issue a permanent restraining order.

COURT HEARING

- The client must come to court for the hearing.
- The respondent will have the opportunity to attend and be heard.

ORDERS AVAILABLE AFTER HEARING

- *No Contact, Stay Away*
- *Child Custody & Visitation* – The court will often award sole legal and sole physical custody of children to the protected party. This does NOT mean that the abuser cannot see the children because the court will usually award visitation, either supervised or unsupervised.
- *Child and/or Spousal Support*
- *Move Out* – The court can order the respondent to move out, but client must have a legal right to stay in the residence or need to do so in order to maintain a stable home environment for children.
- *Pet Custody and Stay Away*
- *Property Control* – The court can order the respondent to return specific property to the client.
- *Restitution* – Respondent may have to reimburse the client for money lost as a result of abuse; i.e. for damaged property, hotel bills if client fled the home, costs of medical treatment or counseling, etc.
- *Firearm Restriction* – Anyone subject to a DV restraining order must sell or turn in any firearms.
- *Batterer's Treatment* – Respondent ordered to complete a 52-week batterer's treatment course.