

# The Service of Restraining/Protective Orders

Any law enforcement officer who is present at the scene of a reported domestic violence incident involving the parties listed in an temporary restraining order or emergency protective order **will** upon request of the petitioner serve such order on the respondent/defendant whether or not the respondent/defendant was taken into custody (Family Code § 6383(a).)

The petitioner will provide the officer with an endorsed copy of the order and a proof of service form that the officer shall complete and transmit to the issuing court (Family Code § 6383(b).)

If at the scene of a domestic violence incident a law enforcement officer learns that a protective order has been issued and the petitioner **does not** have a copy of the order, the law enforcement officer **will** inquire into the Department of Justice Domestic Violence Restraining Order System to verify the existence of the order. If a law enforcement officer determines that such an order exists but has not been served, the officer will immediately do the following:

- Immediately inform the respondent/defendant about terms of the order
- Advise the respondent/defendant to go to a local court to obtain a copy of the order containing the full terms and conditions of the order.

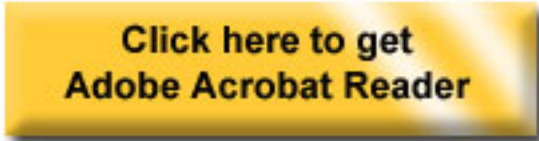
## **Domestic Violence Restraining Orders**

## **Elder Abuse Restraining Orders**

## **Harassment Restraining Orders**

## **Workplace Violence Restraining Orders**

# Domestic Violence Restraining Orders



<b>Court Document(s) Required:</b>	Temporary Restraining Order and Notice of Hearing (form DV-110), Request for Order (form DV-100), Answer to Temporary Restraining Order (form DV-120), any additional documents attached to the order and form CH101/DV-290 "Request and Order for Free Service"
<b>Letter of Instructions</b>	Provide the name and address (work and/or home) of the person to be served and any hazards the serving officers may encounter, such as weapons, dogs, outstanding warrants, etc. Provide a physical description of the person to be served as well as any identifying marks (scars, tattoos, etc.). Provide a photograph if available. The petitioner's attorney must sign and date the letter of instructions, or the petitioner if he/she is not represented by an attorney.
<b>Time for Service</b>	Restraining/Protective Orders must be served five days prior to the hearing unless time is shortened by the court per Code of Civil Procedure § 527.6(g).
<b>Manner of Service</b>	Personal Service is Required
<b>Fee Deposit</b>	No fee, must have form CH101/DV-290 "Request and Order for Free Service"

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**Proof of Service**

If service is completed by Civil Unit Deputies, Sheriff's Records will be verbally notified of the personal service. Civil Unit staff will send Proof of Service to the court and a copy is mailed to the petitioner. The court will then send a copy of the proof of service to Sheriff's Records to update the entry into the Domestic Violence Restraining Order System or DVROS. If service is not made, the restraining order and a Not Found/No Service report explaining the reason for non-service is generated by Civil Unit staff and sent to the court and mailed to the petitioner.

[ [Click Here for a Sample Letter of Instructions—Form A](#) ]

[ [Click Here for Blank Proof of Service \(DV 140\) & Answer \(DV 120\) Forms](#) ]

**What is Required Checklist:**

- Form CH101/DV-290 "Request and Order for Free Service"
- Original letter of instructions signed and dated by the plaintiff's attorney or the plaintiff (if the plaintiff does not have an attorney).
- Temporary Restraining Order and Notice of Hearing (form DV-110)
- Request for Order (form DV-100)
- Answer to Temporary Restraining Order (form DV-120)
- Child Custody and Visitation Orders (form DV-140)—If applicable
- Child Custody, Visitation, and Support Request (form DV-105)—If applicable.

GENERAL PROCESS INSTRUCTIONS TO CONTRA COSTA COUNTY SHERIFF

\_\_\_\_\_ vs \_\_\_\_\_

COURT: \_\_\_\_\_ CASE NO. \_\_\_\_\_

The Sheriff of Contra Costa County is hereby instructed to serve personal (or substitute service when applicable) the civil process indicated below:

\_\_\_ Claim of Plaintiff & Order      \_\_\_ Claim of Defendant      \_\_\_ Order to Show Cause

\_\_\_ Order of Examination      \_\_\_ Summons & Complaint      \_\_\_ Order After Hearing

\_\_\_ Summons / Petition – Marriage      \_\_\_ Summons / Complaint Unlawful Detainer

\_\_\_ Landlord / Tenant – 3/30 Day Notice      \_\_\_ OSC / Temporary Restraining Order

\_\_\_ Summons (Jury)      \_\_\_ Other: \_\_\_\_\_

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**PERSON (S) BUSINESS (ES) TO BE SERVED** - Name: \_\_\_\_\_

Home Address: \_\_\_\_\_

City & Zip Code: \_\_\_\_\_ Phone: \_\_\_\_\_

Employer: \_\_\_\_\_ Address: \_\_\_\_\_

City & Zip Code: \_\_\_\_\_ Phone: \_\_\_\_\_

Additional Address: \_\_\_\_\_

Best Time To Contact: (Home) \_\_\_\_\_ (Business) \_\_\_\_\_

Physical Description: \_\_\_\_\_

Vehicle (s) Description: \_\_\_\_\_

Other Information: \_\_\_\_\_

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**RETURN OF SERVICE SHALL BE DIRECTED** - NAME: \_\_\_\_\_

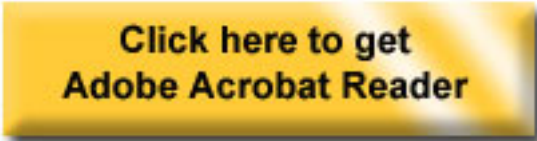
ADDRESS: \_\_\_\_\_

CITY & ZIP CODE: \_\_\_\_\_

DAY TIME - TELEPHONE NUMBER: \_\_\_\_\_

DATE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

# Elder Abuse Restraining Orders



<b>Court Document(s) Required:</b>	Order to Show Cause and Temporary Restraining Order (Elder or Dependent Adult Abuse (form EA-120), Petition for Protective Order (form EA-100), Response to Petition for Protective Order, any additional documents attached to the order and form CH101/DV-290 "Request and Order for Free Service"
<b>Letter of Instructions</b>	Provide the name and address (work or home) of the person to be served and any hazards the serving officers may encounter, such as weapons, dogs, outstanding warrants, etc. Provide a physical description of the person to be served as well as any identifying marks (scars, tattoos, etc.). Provide a photograph if available. The petitioner or, if represented by an attorney, the petitioner's attorney must sign and date the letter of instructions.
<b>Time for Service</b>	Restraining/Protective Orders must be served five days prior to the hearing unless time is shortened by the court per Code of Civil Procedure § 527.6(g).
<b>Manner of Service</b>	Personal Service is Required
<b>Fee</b>	No fee, must have Form CH101/DV-290 "Request and Order for Free Service"

**Proof of Service**

If service is completed by Civil Unit Deputies, Sheriff's Records will be verbally notified of the personal service. Civil Unit staff will send Proof of Service to the court and a copy is mailed to the petitioner. The court will then send a copy of the proof of service to Sheriff's Records to update the entry into the Domestic Violence Restraining Order System or DVROS. If service is not made, the restraining order and a Not Found/No Service report explaining the reason for non-service is generated by Civil Unit staff and sent to the court and mailed to the petitioner.

[ [Click Here for a Sample Letter of Instructions—Form A](#) ]

[ [Click here for Blank Proof of Service EA 141 and Response EA 110 Forms](#) ]

**What is Required Checklist:**

- Form CH101/DV-290 "Request and Order for Free Service"
- Original letter of instructions signed and dated by the plaintiff's attorney or the plaintiff (if the plaintiff does not have an attorney).
- Order to Show Cause and Temporary Restraining Order (Elder or Dependent Adult Abuse) (form EA-120)
- Petition for Protective Order (form EA-100)
- Response to Petition for Protective Order (form EA-110)

GENERAL PROCESS INSTRUCTIONS TO CONTRA COSTA COUNTY SHERIFF

\_\_\_\_\_ vs \_\_\_\_\_

COURT: \_\_\_\_\_ CASE NO. \_\_\_\_\_

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\_\_\_ Summons / Petition – Marriage      \_\_\_ Summons / Complaint Unlawful Detainer

\_\_\_ Landlord / Tenant – 3/30 Day Notice      \_\_\_ OSC / Temporary Restraining Order

\_\_\_ Summons (Jury)      \_\_\_ Other: \_\_\_\_\_

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**PERSON (S) BUSINESS (ES) TO BE SERVED** - Name: \_\_\_\_\_

Home Address: \_\_\_\_\_

City & Zip Code: \_\_\_\_\_ Phone: \_\_\_\_\_

Employer: \_\_\_\_\_ Address: \_\_\_\_\_

City & Zip Code: \_\_\_\_\_ Phone: \_\_\_\_\_

Additional Address: \_\_\_\_\_

Best Time To Contact: (Home) \_\_\_\_\_ (Business) \_\_\_\_\_

Physical Description: \_\_\_\_\_

Vehicle (s) Description: \_\_\_\_\_

Other Information: \_\_\_\_\_

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**RETURN OF SERVICE SHALL BE DIRECTED** - NAME: \_\_\_\_\_

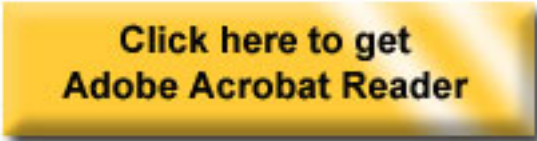
ADDRESS: \_\_\_\_\_

CITY & ZIP CODE: \_\_\_\_\_

DAY TIME - TELEPHONE NUMBER: \_\_\_\_\_

DATE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

# Harassment Restraining Orders



<b>Court Document(s) Required:</b>	Order to Show Cause and Temporary Restraining Order (Harassment) (form CH-120), Petition for Injunction Prohibiting Harassment (form CH-100), blank Response to Petition for Injunction Prohibiting Harassment (form Ch-110), and any other documents listed in the OSC/TRO, and form CH101/DV-290 "Request and Order for Free Service"
<b>Letter of Instructions</b>	Provide the name and address (work and/or home) of the person to be served and any hazards the serving officers may encounter, such as weapons, dogs, outstanding warrants, etc. Provide a physical description of the person to be served as well as any identifying marks (scars, tattoos, etc.). Provide a photograph if available. The petitioner's attorney must sign and date the letter of instructions, or the petitioner if he/she is not represented by an attorney.
<b>Time for Service</b>	Restraining/Protective Orders must be served five days prior to the hearing unless time is shortened by the court per Code of Civil Procedure § 527.6(g).
<b>Manner of Service</b>	Personal Service is Required
<b>Fee</b>	No fee, must have form CH101/DV-290 "Request and Order for Free Service"



**Proof of Service**

If service is completed by Civil Unit Deputies, Sheriff's Records will be verbally notified of the personal service. Civil Unit staff will send Proof of Service to the court and a copy is mailed to the petitioner. The court will then send a copy of the proof of service to Sheriff's Records to update the entry into the Domestic Violence Restraining Order System or DVROS. If service is not made, the restraining order and a Not Found/No Service report explaining the reason for non-service is generated by Civil Unit staff and sent to the court and mailed to the petitioner.

[ [Click here for a Sample Letter of Instructions—Form A](#) ]

[ [Click here for Blank Proof of Service CH 130 and Response CH 110 Forms](#) ]

**What is Required Checklist:**

- Form CH101/DV-290 "Request and Order for Free Service"
- Original letter of instructions signed and dated by the plaintiff's attorney or the plaintiff (if the plaintiff does not have an attorney).
- Order to Show Cause and Temporary Restraining Order (Harassment) (form CH-120)
- Petition for Injunction Prohibiting Harassment (form CH-100)
- Response to Petition for Injunction Prohibiting Harassment (form CH-110)

GENERAL PROCESS INSTRUCTIONS TO CONTRA COSTA COUNTY SHERIFF

\_\_\_\_\_ VS \_\_\_\_\_

COURT: \_\_\_\_\_ CASE NO. \_\_\_\_\_

The Sheriff of Contra Costa County is hereby instructed to serve personal (or substitute service when applicable) the civil process indicated below:

\_\_\_ Claim of Plaintiff & Order      \_\_\_ Claim of Defendant      \_\_\_ Order to Show Cause

\_\_\_ Order of Examination      \_\_\_ Summons & Complaint      \_\_\_ Order After Hearing

\_\_\_ Summons / Petition – Marriage      \_\_\_ Summons / Complaint Unlawful Detainer

\_\_\_ Landlord / Tenant – 3/30 Day Notice      \_\_\_ OSC / Temporary Restraining Order

\_\_\_ Summons (Jury)      \_\_\_ Other: \_\_\_\_\_

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**PERSON (S) BUSINESS (ES) TO BE SERVED** - Name: \_\_\_\_\_

Home Address: \_\_\_\_\_

City & Zip Code: \_\_\_\_\_ Phone: \_\_\_\_\_

Employer: \_\_\_\_\_ Address: \_\_\_\_\_

City & Zip Code: \_\_\_\_\_ Phone: \_\_\_\_\_

Additional Address: \_\_\_\_\_

Best Time To Contact: (Home) \_\_\_\_\_ (Business) \_\_\_\_\_

Physical Description: \_\_\_\_\_

Vehicle (s) Description: \_\_\_\_\_

Other Information: \_\_\_\_\_

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**RETURN OF SERVICE SHALL BE DIRECTED** - NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY & ZIP CODE: \_\_\_\_\_

DAY TIME - TELEPHONE NUMBER: \_\_\_\_\_

DATE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

# Workplace Violence Restraining Orders

<p><b>Court Document(s) Required:</b></p>	<p>Order to Show Cause and Temporary Restraining Order (Workplace Violence) (form WV-120), Petition of Employer for Injunction Prohibiting Violence or Threats of Violence Against Employee (form WV-100), Response to Petition of Employer for Injunction Prohibiting Violence or Threats of Violence Against Employee (form WV-110) any additional documents attached to the order and Fee Waiver Order (if applicable).</p>
<p><b>Letter of Instructions</b></p>	<p>Provide the name and address (work or home) of the person to be served and any hazards the serving officers may encounter, such as weapons, dogs, outstanding warrants, etc. Provide a physical description of the person to be served as well as any identifying marks (scars, tattoos, etc.). Provide a photograph if available. The petitioner or, if represented by an attorney, the petitioner's attorney must sign and date the letter of instructions.</p>
<p><b>Time for Service</b></p>	<p>Restraining/Protective Orders must be served five days prior to the hearing unless time is shortened by the court per Code of Civil Procedure § 527.6(g).</p>
<p><b>Manner of Service</b></p>	<p>Personal Service is Required</p>
<p><b>Fee</b></p>	<p>\$30.00 unless Sheriff's fees are waived by court ordered Fee Waiver.</p> <p>\$30.00 if unable to serve or cancelled.</p>

**Proof of Service**

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[ [Click here for a Sample Letter of Instructions - Form A](#) ]

[ [Click here for Blank Proof of Service WV 130 and Response WV 110 Forms](#) ]

**What is Required Checklist:**

- \$30.00 fee unless court ordered Fee Waiver attached waiving Sheriff's fees.
- Original letter of instructions signed and dated by the plaintiff's attorney or the plaintiff (if the plaintiff does not have an attorney).
- Order to Show Cause and Temporary Restraining Order (Workplace Violence) (form WV-120)
- Petition of Employer for Injunction Prohibiting Violence or Threats of Violence against Employee (form WV-100)
- Response to Petition of Employer for Injunction Prohibiting Violence or Threats of Violence Against Employee (form WV-110)

GENERAL PROCESS INSTRUCTIONS TO CONTRA COSTA COUNTY SHERIFF

\_\_\_\_\_ VS \_\_\_\_\_

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\_\_\_ Landlord / Tenant – 3/30 Day Notice      \_\_\_ OSC / Temporary Restraining Order

\_\_\_ Summons (Jury)      \_\_\_ Other: \_\_\_\_\_

\* \_ \* \_ \* \_ \* \_ \* \_ \* \_ \* \_ \* \_ \*

**PERSON (S) BUSINESS (ES) TO BE SERVED** - Name: \_\_\_\_\_

Home Address: \_\_\_\_\_

City & Zip Code: \_\_\_\_\_ Phone: \_\_\_\_\_

Employer: \_\_\_\_\_ Address: \_\_\_\_\_

City & Zip Code: \_\_\_\_\_ Phone: \_\_\_\_\_

Additional Address: \_\_\_\_\_

Best Time To Contact: (Home) \_\_\_\_\_ (Business) \_\_\_\_\_

Physical Description: \_\_\_\_\_

Vehicle (s) Description: \_\_\_\_\_

Other Information: \_\_\_\_\_

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**RETURN OF SERVICE SHALL BE DIRECTED** - NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY & ZIP CODE: \_\_\_\_\_

DAY TIME - TELEPHONE NUMBER: \_\_\_\_\_

DATE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_