

Restraining Order After Hearing (Order of Protection)

FILED on NOV 14 2007 JOHN A. CLARKE, CLERK BY T. RANDALL, DEPUTY

1 Protected person's name: RASEY BYTHEWAY

Protected person's address (skip this if you have a lawyer):

City: State: Zip:

Telephone number (optional):

Lawyer (if any): (Name, address, telephone number, and State Bar number):

Los Angeles Superior Court of California, County of West District 1725 Main Street Santa Monica CA 90401

2 List the full names of all family or household members protected by this order: ERIC MONTOTA

3 Restrained person's name: JOSE MARIA DECASTRO

Description of that person: Sex: [X] M [ ] F Height: 5'8" Weight: 180 Race: HISPANIC/WHITE Hair Color: BROWN Eye Color: GREEN Age: Date of Birth: 9/11/74 Relationship to protected person: Ex-BOYFRIEND

Fill in case number: Case Number: BQ 009088

4 The court orders are on pages 2 and 3 and attachment pages (if any). The hearing was on (date): 11/14/07 with (name of judicial officer): DAVID J. COWAN

The orders end on (date): 11/14/12 at (time): 9:00 A.M.

- If no end date is written, the restraining order ends 3 years after the date of the hearing. If no time is written, the restraining order ends at midnight on the end date. Note: Custody, visitation, child support, and spousal support orders have different end dates. Custody, visitation, and child support orders usually end when the child is 18.

5 [ ] The people in (1) and (3) must return to court/department on (date): at (time): [ ] a.m. [ ] p.m. to review (specify issues):

Certificate of Compliance With VAWA This protective order meets all Full Faith and Credit requirements of the Violence Against Women Act, 18 U.S.C. § 2265 (1994) (VAWA). This court has jurisdiction over the parties and the subject matter; the restrained person has been afforded reasonable notice and an opportunity to be heard as provided by the laws of this jurisdiction. This order is valid and entitled to enforcement in each jurisdiction throughout the 50 United States, the District of Columbia, all tribal lands, and all U.S. territories, commonwealths, and possessions and shall be enforced as if it were an order of that jurisdiction.

This is a Court Order.

Your name: \_\_\_\_\_

**6**  **Personal Conduct Orders**

The person in **3** must **not** do the following things to the protected people listed in **1** and **2**:

- a.  Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, or block movements
- b.  Contact (either directly or indirectly), telephone, or send messages or mail or e-mail
  - Except for brief and peaceful contact as required for court-ordered visitation of children unless a criminal protective order says otherwise
- c.  Take any action, directly or through others, to get the addresses or locations of any protected persons or of their family members, caretakers, or guardians. (If item c is not checked, the court has found good cause **not** to make this order.)

Peaceful written contact through a lawyer or through a process server or another person in order to serve legal papers is allowed and does not violate this order.

A criminal protective order on Form CR-160 is in effect. Case Number: \_\_\_\_\_  
County (if known): \_\_\_\_\_ Expiration Date: \_\_\_\_\_ (If more orders, list them in item **17**)

**7**  **Stay-Away Order**

The person in **3** must stay at least 100 yards away from:

- a.  The person listed in **1**
- b.  The people listed in **2**
- c.  Home  Job  Vehicle of person in **1**
- d.  The children's school or child care
- e.  Other (specify): \_\_\_\_\_

**8**  **Move-Out Order**

The person in **3** must move out immediately from (address): \_\_\_\_\_

**9**  **Child Custody and Visitation**

Child custody and visitation are ordered on the attached Form DV-140 or (specify other form): \_\_\_\_\_

**10**  **Child Support**

Child support is ordered on the attached Form DV-160 or (specify other form): \_\_\_\_\_

**11**  **Spousal Support**

Spousal support is ordered on the attached Form FL-343 or (specify other form): \_\_\_\_\_

**12** **No Guns or Other Firearms or Ammunition**

The person in **3** cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, firearms, or ammunition.

**13** **Turn in or sell guns and firearms.**

The person in **3**:

- Must sell to a licensed gun dealer or turn in to police any guns or firearms that he or she has or controls. This must be done within 24 hours of being served with this order.
- Must bring a receipt to the court within 48 hours of being served with this order, to prove that guns and firearms have been turned in or sold.

**This is a Court Order.**

Your name: \_\_\_\_\_

**14**  **Record Unlawful Communications**  
The person in **(1)** has the right to record communications made by the person in **(3)** that violate the judge's orders.

**15**  **Batterer Intervention Program**  
The person in **(3)** must go to and pay for a 52-week batterer intervention program and show written proof of completion to the court. This program must be approved by the probation department.

**16** **No Fee to Notify (Serve) Restrained Person**  
If the sheriff or marshal serves this order, he or she will do it for free.

**17**  **Other Orders**  
Other orders relating to property control, debt payment, attorney fees, restitution, and/or other issues are in attached Form DV-170 or (specify other form): taken under submission re attorney fees;

**18** **Service**

a.  The people in **(1)** and **(3)** were at the hearing or agreed in writing to this order. No other proof of service is needed.

b.  The person in **(1)** was at the hearing. The person in **(3)** was not.

(1)  Proof of service of Form DV-110 was presented to the court. The judge's orders in this form are the same as in Form DV-110 except for the end date. The person in **(3)** must be served. This order can be served by mail.

(2)  Proof of service of Form DV-110 was presented to the court. The judge's orders in this form are different from the orders in Form DV-110. Someone—not the people in **(1)** or **(2)**—must personally "serve" a copy of this order to the person in **(3)**.

**19** **Attached pages are orders.**

- Number of pages attached to this 5-page form: 0
- All of the attached pages are part of this order.
- Attachments include (check all that apply):  
 DV-140  DV-145  DV-150  DV-160  DV-170  FL-343  
 Other (specify): \_\_\_\_\_

Date: 11/14/02

  
\_\_\_\_\_  
Judge (or Judicial Officer)  
David J. Cowan  
Judge Pro Tem

**This is a Court Order.**

Your name: \_\_\_\_\_

### Instructions for Law Enforcement

#### 20 Start Date and End Date of Orders

The orders *start* on the earlier of the following dates:

- The hearing date on page 1 *or*
- The date next to the judge's signature on page 3.

The orders *end* on the end date in item 4 on page 1. If no end date is listed, they end 3 years from the hearing date.

#### 21 Arrest Required If Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Penal Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6.

#### 22 Notice/Proof of Service

Law enforcement must first determine if the restrained person had notice of the orders. If notice cannot be verified, the restrained person must be advised of the terms of the orders. If the restrained person then fails to obey the orders, the officer must enforce them. (Family Code, § 6383.)

Consider the restrained person "served" (noticed) if:

- The officer sees a copy of the *Proof of Service* or confirms that the *Proof of Service* is on file; *or*
- The restrained person was at the restraining order hearing or was informed of the order by an officer. (Fam. Code, § 6383; Pen. Code, § 836(c)(2).) An officer can obtain information about the contents of the order in the Domestic Violence Restraining Orders System (DVROS). (Fam. Code, § 6381(b)(c).)

#### 23 If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, the orders remain in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The orders can be changed only by another court order. (Pen. Code, § 13710(b).)

#### 24 Child Custody and Visitation

- The custody and visitation orders are on Form DV-140, items ③ and ④. They are sometimes also written on additional pages or referenced in DV-140 or other orders that are not part of the restraining order.
- **Forms DV-100 and DV-105 are not orders. Do not enforce them.**

#### 25 Enforcing the Restraining Order in California

Any law enforcement officer in California who receives, sees, or verifies the orders on a paper copy, the California Law Enforcement Telecommunications System (CLETS), or in an NCIC Protection Order File must enforce the orders.

#### 26 Conflicting Orders

A protective order issued in a criminal case on Form CR-160 takes precedence in enforcement over any conflicting civil court order. (Pen. Code, § 136.2(e)(2).) Any nonconflicting terms of the civil restraining order remain in full force. An emergency protective order (Form EPO-001) that is in effect between the same parties and is more restrictive than other restraining orders takes precedence over all other restraining orders. (Pen. Code, § 136.2.)

**This is a Court Order.**

Case Number:

BQ 009088

Your name: \_\_\_\_\_

**Warnings and Notices to the Restrained Person in 3**

- 27 **If you do not obey this order, you can be arrested and charged with a crime.**
  - It is a felony to take or hide a child against this order. You can go to prison and/or pay a fine.
  - If you travel to another state or to tribal lands or make the protected person do so, with the intention of disobeying this order, you can be charged with a federal crime.
  - If you do not obey this order, you can go to prison and/or pay a fine.

28 **You cannot have guns, firearms, and/or ammunition.**



You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, firearms, and/or ammunition while the order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to a licensed gun dealer or turn in to police any guns or firearms that you have or control. The judge will ask you for proof that you did so. If you do not obey this order, you can be charged with a crime. Federal law says you cannot have guns or ammunition while the order is in effect.

*(Clerk will fill out this part)*

**—Clerk's Certificate—**

[seal]

I certify that this *Restraining Order After Hearing (Order of Protection)* is a true and correct copy of the original on file in the court.

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

**This is a Court Order.**