

RESTRAINING ORDERS GENERAL INFORMATION

Restraining orders can be filed at the Lamoreaux Justice Center/Family Court at 341 City Drive in Orange. Assistance in filing can be obtained through the Domestic Violence Assistance Program located in Room C611. Office hours are 8am – 4:30pm, Monday thru Friday. For further information you may call (714) 935-7956 M-F or (800) 799-7233 after hours. You may also visit their website www.courtinfo.ca.gov/selfhelp.

Basically there are three (3) types of restraining orders. One thing all restraining orders share in common is that the person filing the restraining order (plaintiff) must give the person they are filing the order against (defendant) at least four (4) hours prior notice. Restraining orders are signed daily at 1:30 p.m., therefore; notice must be given no later than 9:30 a.m. the day of the filing. Proper notice simply states:

“I am taking out a restraining order against you on (date). If you want more information, go to the Clerk’s office at the Courthouse in Orange at 1:30 p.m.”

The most common order is the temporary restraining order under the DOMESTIC VIOLENCE PREVENTION ACT. There is NO filing fee for this order. To obtain this order, two (2) facts must be present:

- First, 1) the defendant and plaintiff must be living together now or must have been living in the same household within the last six months.....
- or 2) the defendant and plaintiff must be related by blood, marriage or adoption (this can include a spouse, former spouse, child, parent).....
- or 3) the defendant and plaintiff must have a child in common
- Second, 1) the defendant must have physically injured the plaintiff or another family member (the injury must have been deliberate or reckless, not accidental).....
- or 2) the defendant must have made serious threats to injure the plaintiff and it must be believed that the threat (s) will be carried out.

The Civil Injunction Against Harassment covers other situations not applicable in the two previous types of restraining orders. This includes neighbor disputes or boyfriend/girlfriends who have not lived together within the last six (6) months and/or do not have a child in common. Harassment is defined as a “knowing and willful course of conduct directed at a specific person which seriously alarm, annoys, or harasses such person, and which serves no legitimate purpose. It must be such as would cause a reasonable person to suffer substantial emotional distress.” The forms for this order can be obtained at **NORTH JUSTICE CENTER** in Fullerton, Room #385, or online at occourts.org through the civil department link. Any questions regarding this order can be directed to (714) 773-4422, Civil Division at North Justice Center.