

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN LUIS OBISPO</b> <b>1035 PALM STREET, SAN LUIS OBISPO, CA 93408</b>	<b>Case Number</b>  <b>FL</b>
<b>Petitioner:</b>  <b>Respondent:</b>	
<b>ORDER DENYING EX PARTE REQUEST FOR  TEMPORARY DOMESTIC VIOLENCE PROTECTIVE ORDERS</b>	

**ORDERS**

- The Court has not granted your request for a Temporary Restraining Order **but will set the matter for a hearing if you wish us to do so**. Some persons believe that their safety may be compromised if a hearing is scheduled without a TRO in place. If you believe that setting this matter for a noticed hearing without the issuance of a temporary order compromises your safety, you may instruct the court not to schedule the matter for a hearing.  
**I understand and instruct the court to:**
  - Set** the matter for a hearing     **Do not set** the matter for a hearing.     Initial here: \_\_\_\_\_
- The court has not granted your request for a Temporary Restraining Order and **has not set your request for a hearing**.

**REASONS REQUESTS WERE DENIED**

- Your request for temporary emergency restraining orders does not reasonably prove, by legally admissible evidence, that the party to be restrained either:
  - A. Intentionally or recklessly caused an injury or attempted to commit or committed a sexual assault; or
  - B. Committed an act of abuse that created a reasonable apprehension of imminent serious bodily injury to the person(s) to be protected; or
  - C. Engaged in behavior that has been or could be prohibited pursuant to Family Code § 6320 such as harassment (see CCP § 527.6) stalking (see Penal Code § 646.9) destruction of property or other abusive acts. (Please see Family Code §§ 6300, 6203.)
- Your Request for Orders does not describe in sufficient detail the most recent incidents of abuse - such as what happened, when it happened, who did what to whom and a description of any injuries inflicted on you or the other persons to be protected and any earlier acts of abuse. See paragraph 22 of the Request for Orders.
- Your request for child custody orders can not be made on an ex parte basis because there has not been a showing of actual harm, a significant risk of harm to the child or an immediate risk that the child will be removed from this state. (See Family Code §3064.)
- You and the person to be restrained do not have a relationship that qualifies you for domestic violence restraining orders. (See Family Code §6211.)
- Portions of your documents are not readable. Handwritten documents may only be accepted if they are legible.
- The Request for Orders does not give reasonable notice to the person to be restrained of the facts upon which your request is made or otherwise afford sufficient due process as required by law.
- Other:

The facts stated in your Request for Orders must be based on the personal observations of the person who signs the declaration. Except in limited circumstances, the court cannot consider out of court statements by a witness or victim unless that person makes their statement in a declaration under penalty of perjury.

If you have additional information that corrects the shortcomings of your Request for Orders, you may submit that information in a declaration on a form available from the court. It can then be re-submitted with your Request for Orders either today, if time permits, or any other day the court is open.

The court may be able to grant the requested orders at the noticed hearing even if the temporary (ex-parte) orders have been denied. You must be prepared to present reasonable, legally admissible, proof at the noticed hearing that support the facts stated in your Request for Orders. At the hearing, the court will weigh the evidence provided by all parties to determine if protective orders should be issued.

DATED: \_\_\_\_\_

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