

## Statement of Decision Template



### What is a Statement of Decision?

A Statement of Decision (SOD) is the judge's explanation of their decision in your case. In the SOD, the judge tells you what law and facts they used to make their decision. A SOD can be very helpful if you want the court to change your order or appeal your order later on.

### When might I want to ask for a SOD?

If you think a judge may not grant your restraining order, asking for a statement of decision can be a helpful way to get the court's reasoning for its decision. It can also potentially help set up your case for an appeal. Learn more about a SOD, including how to ask for a SOD and why to ask for it, in FVAP's information sheet [How Do I Get a Court's Reasons for Making a Family Court Decision.](#)

If you think the court is going to grant your restraining order, you can always tell the court that you no longer need the statement of decision if you do not want to ask the court for one.

### How to Use This Template

FVAP made this sample SOD template for restraining order cases. You can use this as a guide to help you ask for a SOD. You can fill this out and file it prior to your hearing.

This template is only a sample to help you think about the types of questions you can ask the judge to answer. You will need to think about your case and decide what questions you want to ask based on what happened in your case. For example, if you do not have any children with the person you are filing the restraining order against, you would not ask the court whether Family Code section 3044 (a law that is about joint custody) applies in your case.



### Warning!

1. The Fillable SOD Sample is a guide of **possible** requests that you may include. Each family law case is different, so each request in this template **may not apply** to your case.

2. The judge's answer to your question(s) **may or may not** help you.

Scenario 1: *You ask the judge if they found your testimony that the other party hit you multiple times credible (believable). The court states that it **does** believe your testimony.* If the court then denies your restraining order request, a SOD showing the judge believed the other party hit you could help you in an appeal of your case.

Scenario 2: *You ask the judge if they found your testimony that the other party hit you credible. The court states that it **does not** believe your testimony.* This finding by the judge might make it much harder for you to appeal your case. The person who has abused you might also try to use this finding against you in other cases, such as custody.

### Instructions for Sample Statement of Decision Template

Here is a line by line description of what you will need to write in the SOD. In the sample you will see highlighted areas. The highlight is there to remind you to decide whether the question is one you want to ask the court and to write in information that is specific to your case if needed. Remember to unhighlight the sections before you file your SOD.

1. **Fill in basic information about the case.**

The **petitioner** is the person asking for the restraining order. The **respondent** is the person the restraining order is against.

- a. The name, address, phone number, and email address of the petitioner (lines 1-5).
  - b. The county where the case is taking place (line 10).
  - c. The petitioner's name (line 13 and 28)
  - d. The respondent's name (lines 20).
  - e. The case number (line 22).
2. **Ask the court to determine the parties credibility.**

Number 1 and 2 (lines 31 and 32), asks the court to make a finding of credibility. This means you are asking the court to decide whether it believes what the petitioner or respondent says in court and why.

**3. Ask the Court to Make Findings on Respondent's Acts of Abuse (Questions 3 and 4, starting at Line 33).**

Here you are asking the court to state whether it believes the respondents committed acts of abuse<sup>1</sup> against the petitioner and why. **If you want, you can add information to make this specific to your case.**

**• General Acts of Abuse (Question 3, Lines 35–42).**

You can use general language to ask the court to describe the abuse. For example, if the case is partially based on physical abuse, you could ask, “Did Respondent intentionally or recklessly cause bodily harm to Petitioner?” If the case is based on financial, emotional, and psychological abuse, this request would not apply. Instead, you could ask, “Did Respondent disturb the Petitioner’s peace?” See template for additional examples.

**• Specific Acts of Abuse (Question 4, Lines 44-47).**

You can ask about specific acts of abuse that you wrote about in your declaration. Use your declaration to help you write your questions. Examples of different kinds of abuse that you could ask the court to make findings about are in the template.

**4. Ask the Court to Explain Its Reasons for Granting or Denying the Restraining Order Request (Question 5, Lines 48-49).**

You do not need to add any information to this question.

**5. Ask the Court to Explain Why it Did Not Allow the Petitioner to Present New Evidence at the Hearing (Question 6, Lines 50-52).**

You might want to tell the court information or give the court evidence that you did not put in your original DV-100 petition. If the court does not let you present this new evidence at your hearing, you can ask this question. If you do not have any new evidence that you want to show the judge you do not need to ask this question.

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<sup>1</sup> See Cal. Fam. Code § 6203 (definition of “abuse”).

**6. Ask the Court to Explain Its Decision for the Custody Orders (Questions 7-9, Lines 53-70).**

If you asked for custody in your restraining order, you can ask the court to explain its decision. If you did not ask for custody, you would not include these questions.

**7. Make Finishing Touches.**

- a. Date (Line 72).
- b. Your Name (Line 72).
- c. Your Signature (Line 73).

**Remember:** The SOD template is only a guide. You will need to change the SOD template to include questions and facts that are true for your case. If you know the dates for when the abuse happened, include them.



**How do I get more help?**

Contact FVAP at  
info@fvaplav.org or (510)  
380-6243

1 Petitioner: [Petitioner's Name]  
2 Address line 1  
3 Address line 2  
4 Phone: [Redacted]  
5 Email: [Redacted]  
6  
7

8 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9  
10 **FOR THE COUNTY OF [Redacted]**

11  
12  
13 [Petitioner's Name] )  
14 )  
15 Petitioner-Plaintiff, )  
16 )  
17  
18 v. )  
19 )  
20 [Respondent's Name] )  
21 )  
22 )  
23 Respondent-Defendant )  
24 \_\_\_\_\_ )  
25 )  
26 )

REQUEST FOR STATEMENT OF  
DECISION  
PURSUANT TO CODE CIV. PROC., § 632

CASE NUMBER: [Redacted]

27 Consistent with Code of Civil Procedure section 632 and California Rules of Court, rule  
28 3.1590, Petitioner, [Petitioner's Name], hereby requests that a Statement of Decision be  
29 prepared by the court, or at the court's direction, which addresses the factual and legal basis for  
30 the Court's decision on the following principal, controverted issues:

- 31 1. Does the Court find Petitioner's testimony to be credible? If not, why not?  
32 2. Does the Court find Respondent's testimony to be credible? If not, why not?  
33 3. Does the Court find that Respondent committed a past act or acts of abuse against  
34 Petitioner? If so, what are they?
- 35 a. Did Respondent intentionally or recklessly cause bodily harm to Petitioner?
  - 36 b. Did Respondent sexually assault Petitioner or force Petitioner to engage in sex?
  - 37 c. Did Respondent place Petitioner in reasonable fear of Respondent causing  
38 imminent harm to Petitioner or to another (i.e. Petitioner's children, dog,  
39 parents)?
  - 40 d. Did the Respondent's conduct disturb the Petitioner's peace by destroying the  
41 Petitioner's mental or emotional calm? If so, list them.

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Legal Information, not legal advice.

- 42 e. Did Respondent harass Petitioner?
- 43 4. Does the court find that the following incidents occurred?
- 44 a. Did Respondent hit the Petitioner's face on 01/14/16?
- 45 b. Did Respondent grab Petitioner's butt at Petitioner's work after they broke up?
- 46 c. Did Respondent telephone Petitioner 675 times in the course of a week?
- 47 d. Did Respondent go to Petitioner's school and yell at Petitioner on 04/03/16?
- 48 5. What are the Court's reasons for granting or denying Petitioner's restraining order
- 49 request?
- 50 6. If the Court does not allow Petitioner to present evidence at the hearing that was not
- 51 included as part of Petitioner's DV-100 request for a restraining order, please explain the
- 52 reasons.
- 53 7. Does Family Code § 3044 apply (presumption against awarding joint or sole custody to a
- 54 parent who committed domestic violence)? If not, why not?
- 55 8. If the Court made a finding that Respondent committed domestic violence against
- 56 Petitioner, and the Court awards joint or sole custody to Respondent, explain why this
- 57 custody order is in the best interest of the child and which § 3044 factors did the Court
- 58 consider? Please explain how each factor was applied.
- 59 a. Has Respondent successfully completed a batterer's treatment program?
- 60 b. Has Respondent successfully completed any alcohol or drug abuse counseling?
- 61 c. Has Respondent successfully completed any court-ordered parenting classes?
- 62 d. Is Respondent on probation or parole? If so, has Respondent complied with its
- 63 terms?
- 64 e. Is Respondent restrained by a protective order, including a Temporary Restraining
- 65 Order? Has Respondent complied with its terms?
- 66 f. Has Respondent committed any further acts of domestic violence? If so, what
- 67 acts and against whom?
- 68 g. Has the court determined that Respondent is a restrained party in possession of
- 69 firearms or ammunition?
- 70 9. How does the custody exchange order protect Petitioner's safety?

71

72 Dated: \_\_\_\_\_

Signed: \_\_\_\_\_  
[Petitioner's Name]  
Petitioner

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74  
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