

# Judicial Council of California • Administrative Office of the Courts

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## INVITATION TO COMMENT

### SPR13-28

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Title	Action Requested
Juvenile Law: Restraining Orders	Review and submit comments by June 19, 2013
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Amend California Rules of Court, rules 5.620, 5.625, and 5.630; revise and renumber Judicial Council forms FL-306/JV-251 as JV-251 and JV-255 as JV-257; adopt new form JV-255; and revise forms JV-250 and FL-306/JV-251.	January 1, 2014
	Contact
	Kerry Doyle, 415-865-8791 kerry.doyle@jud.ca.gov
Proposed by	
Family and Juvenile Law Advisory Committee	
Hon. Kimberly J. Nystrom-Geist, Cochair	
Hon. Dean T. Stout, Cochair	

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### Executive Summary and Origin

The Family and Juvenile Law Advisory Committee recommends amending rules 5.620, 5.625, and 5.630 of the California Rules of Court and revising and renumbering forms used to obtain and issue restraining orders in juvenile court cases. The recommended changes would harmonize and coordinate the juvenile forms with the current Civil Harassment Prevention (CH), Domestic Violence Prevention (DV), Elder or Dependent Adult Abuse Prevention (EA), School Violence Prevention (SV), and Workplace Violence Prevention (WV) forms. The recommended changes would also eliminate deficiencies of the current *Restraining Order—Juvenile* (form JV-250).

### Background

In 2009, the Judicial Council sponsored Assembly Bill 1596 (Stats. 2010, ch. 572) to address and conform statutory differences regarding protective orders relating to civil harassment, domestic violence, elder and dependent adult abuse, private postsecondary school violence, workplace violence, and juvenile law.<sup>1</sup> That bill was enacted and signed by the Governor in 2010 and became effective on January 1, 2012.<sup>2</sup>

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<sup>1</sup> This legislation was developed to implement statutory changes identified by the Protective Orders Working Group (POWG). The POWG was formed in 2007 at the request of the Judicial Council's Rules and Projects Committee to

*The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.*

In January 2011, the Judicial Council amended rule 5.630 and revised and adopted a number of Judicial Council forms to implement AB 1596 and to harmonize and coordinate the juvenile forms with the proposed revised CH, DV, EA, SV, and WV forms, which became effective on January 1, 2012.

## **The Proposal**

This proposal is urgently needed to remedy a problem that is causing significant inconvenience to the courts and a danger to the public. *Restraining Order—Juvenile* (form JV-250) was revised as part of the proposal that went into effect on January 1, 2012. This newer version, however, has caused a significant inconvenience to a large local court; the Sheriff’s Department is rejecting nearly half of the restraining orders issued by the juvenile court. The current form contains no item to indicate if the person to be restrained was present at the hearing when the temporary restraining order was issued. The Sheriff’s Department is therefore either rejecting the order completely and *not* entering it into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS), which is dangerous for any of the people protected by the orders, or entering it as “unserved,” even if the person to be restrained was present at the hearing. If the order is entered into CARPOS as “unserved” and that order is violated, law enforcement will merely serve the order rather than enforce it. This practice endangers the very people the order is meant to protect. Revising the form to include an item indicating whether the restrained person was present at the hearing will make the juvenile restraining order forms easier for law enforcement to read and enforce and safer for the people the form is meant to protect.

Because the form is being revised, this proposal makes further changes to make the juvenile restraining order forms more consistent with the other protective order forms. Arranging the forms so they are more consistent with the other types of protective orders is a benefit to the courts. Consistency between the various protective order forms is helpful to large courts when judicial assignments change, because the judicial officer may be familiar with one set of forms and then move to another assignment that uses a different set of forms. It is also helpful to the small courts in which one judicial officer presides over different protective order hearings.

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bring together members of the Family and Juvenile Law, Civil and Small Claims, Criminal Law, and Probate and Mental Health Advisory Committees, as well as the Domestic Violence Practice and Procedure Task Force, to jointly address issues relating to the protective order forms. More specifically, the POWG considered challenges presented by inconsistencies among the current protective order forms and identified statutory impediments to uniformity among the forms.

<sup>2</sup>The text of Assembly Bill 1596, as chaptered, may be viewed at [leginfo.ca.gov/pub/09-10/bill/asm/ab\\_1551-1600/ab\\_1596\\_bill\\_20100930\\_chaptered.pdf](http://leginfo.ca.gov/pub/09-10/bill/asm/ab_1551-1600/ab_1596_bill_20100930_chaptered.pdf). Welfare and Institutions Code section 213.5 has subsequently been amended for other reasons, and the current version can be viewed at [www.leginfo.ca.gov/cgi-bin/displaycode?section=wic&group=00001-01000&file=200-224.6](http://www.leginfo.ca.gov/cgi-bin/displaycode?section=wic&group=00001-01000&file=200-224.6).

### **Rules 5.620, 5.625, and 5.630**

The proposed amendments to rules 5.620, 5.625, and 5.630 of the California Rules of Court include:

- Changing Judicial Council form names and numbers necessitated by this proposal; and
- Adding the option for a court to reissue a temporary restraining order by using *Notice of Hearing and Temporary Restraining Order—Juvenile* (form JV-250) rather than mandating the use of *Application and Order for Reissuance of Request for Order or Restraining Order (Juvenile) or Order to Show Cause* (form JV-251). This approach reflects the current practice in many courts.

### ***Notice of Hearing and Temporary Restraining Order—(Juvenile) (form JV-250) and Restraining Order—Juvenile (form JV-255)***

To address the safety problems discussed above, and to harmonize the juvenile forms with other protective order forms, the current form would be separated into two forms: *Notice of Hearing and Temporary Restraining Order—Juvenile* (form JV-250) and *Restraining Order—Juvenile* (form JV-255). Doing so would increase court efficiency because the forms would more closely mirror protective order forms used in other proceedings, providing familiarity to judicial officers new to juvenile court or who preside over multiple legal areas.

On both forms, the list of prohibited types of contact would be expanded from “by mail or otherwise” to “in **any** way, including but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text message, by fax, or by other electronic means.” This change would make the order consistent with the one found on *Temporary Restraining Order* (form EA-110), which has the most expansive list of prohibited types of contact.

On the new *Notice of Hearing and Temporary Restraining Order—Juvenile* (form JV-250) a place would be added (item 13) where the court can state whether the restrained person was present when the order was made and whether further service of the order is needed.

The warning to the restrained person prohibiting the possession of firearms on the new *Notice of Hearing and Temporary Restraining Order—Juvenile* (form JV-250) would be revised to indicate that the warning applies only if the court issued a temporary order.

### ***Application and Order for Reissuance of Temporary Restraining Order (Juvenile) (form JV-251)***

Current *Application and Order for Reissuance of Request for Order or Restraining Order (Juvenile) or Order to Show Cause* (form FL-306/JV-252) would be separated into two forms,

one for use in family law proceedings and one for use in juvenile proceedings.<sup>3</sup> Although it was thought that one form would provide courts a simple way to identify the form necessary to reissue an order, the combined form has been confusing to both judicial officers and self-represented litigants. The two separate forms will clarify what orders are appropriate at each type of proceeding and will increase court efficiency and ensure accurate orders.

### ***Change to Restraining Order After Hearing (form JV-257)***

Form JV-255 would be slightly modified and renumbered as form JV-257. This renumbering would allow new form JV-255 and renumbered form JV-257 both forms to be included in the set of forms issued by a court in the order they are issued.

The current *Change to Restraining Order After Hearing* (form JV-255) has a notice that the change does not modify or terminate any other family, criminal, juvenile, civil, or probate orders (item 25). This notice would be removed. The item has confused judicial officers, and the committee recommends removing it from the form. Removing it will also draw more attention to the important notice to law enforcement that the order does not require service of process to be effective.

### **Alternatives Considered**

The committee considered not revising rules 5.620, 5.625, and 5.630 and the juvenile restraining order forms. Doing so, however, would have continued safety risks to the people protected by restraining orders issued by the juvenile court and would continue to cause local courts significant inconvenience and cost to revise or redo the orders rejected by the Sheriff's Department.

In spring 2011, the committee considered revoking all the juvenile restraining order forms and circulating at the next cycle a rule requiring the use of the existing DV forms in juvenile proceedings. This option was not feasible for numerous reasons, including that the people who can be protected are different; the people present at the hearing are different; and the court cannot make at least 11 orders on the DV forms under section 213.5. Additionally, using the DV forms would increase court workload because of the large number and length of the forms.

### **Implementation Requirements, Costs, and Operational Impacts**

The court impact of this proposal is minimal. The amended rules and revised forms create no requirements for the courts or justice partners that were not already mandated by the Welfare & Institutions Code or the California Rules of Court.

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<sup>3</sup> Proposed revisions to *Application and Order for Reissuance of Request for Order or Restraining Order (Juvenile) or Order to Show Cause* (form FL-306) are found in [SPR13-22, Family Law: Improvements to Request for Order Rules and Forms](#).

In implementing the revised forms, courts will incur standard reproduction costs and retraining of affected staff. No new hearings or court processes are created by this proposal.

## Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal reasonably achieve the stated purpose?
- Would this proposal have an impact on public's access to the courts? If a positive impact, please describe. If a negative impact, what changes might lessen the impact?
- Does the proposal promote public safety?
- Should the current *Restraining Order–Juvenile* (form JV-250) be separated into two forms, *Notice of Hearing and Temporary Restraining Order–Juvenile* (form JV-250) and *Restraining Order–Juvenile* (form JV-255)?
- Should the current *Application and Order for Reissuance of Request for Order or Restraining Order (Juvenile) or Order to Show Cause* (form FL-306/JV-251) be separated into two forms, one for use in family law proceedings and one for use in juvenile restraining order proceedings?
- Should the list of prohibited means of contact be expanded to mirror the order found in *Temporary Restraining Order* (EA-110)?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide costs savings? If so, please quantify. If not, what changes might be made that would provide savings, or greater savings?
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- If this proposal would be cumbersome or difficult to implement in a court of your size, what changes would allow the proposal to be implemented more easily or simply in a court of your size?

### Attachments and Links

1. California Rules of Court, rules 5.620, 5.625, and 5.630, at pages 6–7
2. Forms JV-250, JV-251, JV-255, and JV-257, at pages 8–18
3. Link to [Welfare and Institutions Code section 213.5](#)
4. Link to proposal [SPR13-22, Family Law: Improvements to Request for Order Rules and Forms](#), which contains proposed revisions to *Application and Order for Reissuance of Request for Order or Restraining Order (Juvenile) or Order to Show Cause* (form FL-306/JV-251)

Rules 5.620, 5.625, and 5.630 of the California Rules of Court would be amended, effective January 1, 2014, to read:

1 **Rule 5.620. Orders after filing under section 300**

2  
3 (a) \*\*\*

4  
5 (b) **Restraining orders (§ 213.5)**

6  
7 After a petition has been filed under section 300, and until the petition is  
8 dismissed or dependency is terminated, the court may issue restraining  
9 orders as provided in rule 5.630. ~~The restraining orders~~ A temporary  
10 restraining order must be prepared on Notice of Hearing and Temporary  
11 Restraining Order—Juvenile (form JV-250). An order after hearing must be  
12 prepared on Restraining Order—Juvenile (form JV-255).  
13

14 (c)–(e) \* \* \*

15  
16  
17 **Rule 5.625. Orders after filing of petition under section 601 or 602**

18  
19 (a) **Restraining orders (§ 213.5)**

20  
21 After a petition has been filed under section 601 or 602, and until the petition  
22 is dismissed or wardship is terminated, the court may issue restraining orders  
23 as provided in rule 5.630. ~~The restraining orders~~ A temporary restraining  
24 order must be prepared on Notice of Hearing and Temporary Restraining  
25 Order—Juvenile (form JV-250). An order after hearing must be prepared on  
26 Restraining Order—Juvenile (form JV-255).  
27

28 (b) \* \* \*

29  
30  
31 **Rule 5.630. Restraining orders**

32  
33 (a)–(c) \* \* \*

34  
35 (d) **Applications—procedure**

36  
37 The application may be submitted without notice, and the court may grant  
38 the petition and issue a temporary order.

39  
40 (1) \*\*\*

41

1 (2) The temporary restraining order must be prepared on Notice of Hearing  
2 and Temporary Restraining Order—Juvenile (form JV-250) and must  
3 state on its face the date of expiration of the order.  
4

5 **(e) Reissuance**

6  
7 (1)–(2) \* \* \*

8  
9 (3) Either Application and Order for Reissuance of ~~Order to Show Cause~~  
10 Temporary Restraining Order (Juvenile) (form ~~FL-306~~/JV-251) or a  
11 new Notice of Hearing and Temporary Restraining Order—Juvenile  
12 (form JV-250) must be used for this purpose.  
13

14 **(f) Hearing on application for restraining order**

15  
16 (1) \* \* \*

17  
18 (2) The order after hearing must be prepared on Restraining Order—  
19 Juvenile (~~CLETS—JUV~~) (form ~~JV-250~~ JV-255) and must state on its  
20 face the date of expiration of the order.  
21

22 **(g) Service of restraining order**

23  
24 When service of Notice of Hearing and Temporary Restraining Order—  
25 Juvenile (form JV-250) or Restraining Order—Juvenile (form JV-255) is  
26 made, it must be served with a blank Proof of Firearms Turned In or Sold  
27 (form DV-800/JV-252) and How Do I Turn In or Sell Firearms? (form DV-  
28 800-INFO/JV-252-INFO). Failure to serve form JV-252 or JV-252-INFO  
29 does not make service of form JV-250 invalid.  
30

31 **(h)–(i)** \* \* \*

32  
33 **(j) Modification of restraining order**

34  
35 (1) \* \* \*

36  
37 (2) A termination or modification order must be made on Change to  
38 Restraining Order After Hearing (form ~~JV-255~~ JV-257). A new  
39 Restraining Order—Juvenile (form JV-255) may be prepared in  
40 addition to form JV-257.  
41

42 **(k)** \* \* \*

43

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  <hr/> TELEPHONE NO. (Optional): _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>  <h2 style="margin: 0;">Draft Not approved by Judicial Council</h2>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b>  STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME:	
<b>NOTICE OF HEARING <input type="checkbox"/> AND TEMPORARY RESTRAINING ORDER—JUVENILE</b>	CASE NUMBER(S): JUVENILE: FAMILY:

**1. Protected persons**

<u>Full Name</u>	<u>Sex</u>	<u>Age</u>	<u>Relationship to child</u>
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**2. Restrained person**

Full Name:

Sex: <input type="checkbox"/> M <input type="checkbox"/> F	Height:	Weight:	Hair Color:	Eye Color:
Race:			Age:	Date of Birth:
Address (if known):				
City:		State:	Zip:	

**3. Expiration date/Notice of court hearing**

**A court hearing is scheduled on the request for restraining orders against the person in item 2. Any temporary orders granted will expire at the date and time of this hearing. At the hearing, the judge may make restraining orders that could last up to three years.**

<div style="display: flex; align-items: center;"> <div style="border: 2px solid black; border-radius: 15px; padding: 5px; margin-right: 10px;"> <b>Hearing Date</b> </div> <div style="margin-right: 20px;">→</div> <div style="display: flex; flex-direction: column;"> <div style="margin-bottom: 10px;">Date:</div> <div>Dept.:</div> </div> <div style="display: flex; flex-direction: column;"> <div style="margin-bottom: 10px;">Time:</div> <div>Room:</div> </div> </div>	Name and address of court if different from above:
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CASE NAME:  	CASE NUMBER:  
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4.  **Hearing on this temporary restraining order**
- a. Date hearing held: \_\_\_\_\_ Time: \_\_\_\_\_ Dept.: \_\_\_\_\_ Room: \_\_\_\_\_
- b. Judicial officer (*name*): \_\_\_\_\_
- c. Persons and attorneys present (*names*): \_\_\_\_\_

5.  **Temporary Orders (select one):**
- a.  **Granted. The court has granted the temporary orders that are checked below.**
- b.  **Not granted. No temporary orders are granted pending the scheduled hearing in item 3.**

**THE COURT FINDS AND ORDERS**

6.  **Restrained person (child in delinquency proceedings) (select either 6 or 7, not both):**
- a.  is a ward of the court or the subject of a petition under Welfare and Institutions Code section 601 or 602 and **must not** contact, threaten, stalk, or disturb the peace of the person or persons in item 1.
- b.  **may have peaceful contact with the protected persons in item 1 only for the safe exchange of children for court-ordered visitation as stated in the attached Family, Juvenile, or Probate court order in Case No. \_\_\_\_\_ issued on (date): \_\_\_\_\_, as an exception to the "no-contact" provision in item 6a of this order.**
- c.  **may have peaceful contact with the protected persons in item 1 only for the safe exchange of children for visitation as stated in a Family, Juvenile, or Probate court order issued after the date this order is signed, as an exception to the "no-contact" provision in item 6a on this order.**

7.  **Restrained person (other than child in delinquency proceeding) (select either 6 or 7, not both):**
- a. **must not do the following things to the person or persons in item 1**
- (1)  Molest, attack, strike, stalk, threaten, sexually assault, batter, harass, destroy the personal property of, or disturb the peace
- (2)  **Contact, either directly or indirectly in any way, including but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text message, by fax, or by other electronic means**
- Except for visitation as indicated in c below
- b.  **must stay away** at least (*specify*) \_\_\_\_\_ yards from
- (1)  protected person or persons in item 1, except for visitation as indicated in c below.
- (2)  home of person or persons in item 1.
- (3)  job or workplace of person or persons in item 1.
- (4)  vehicle of person or persons in item 1.
- (5)  school of person or persons in item 1.
- (6)  the children's school or child care.
- (7) other (*specify*): \_\_\_\_\_
- c.  **has the right to visit the minor children** named in item 1 as follows
- (1)  None
- (2)  Visitation according to the attached schedule (*form JV-205 must be attached if any visitation is ordered*)
- d.  **must move** immediately from (*address*): \_\_\_\_\_

and take only personal clothing and belongings.

- e.  **must NOT take any action** to get the address or location of any person named in item 1 or the addresses or locations of the family members, caregivers, or guardians of any persons named in item 1. If this box is not checked, the court has found good cause not to make this order.

CASE NAME:  _____	CASE NUMBER:  _____
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- 8. No guns or other firearms or ammunition** (applies only if box 5a is checked on this form)
- a. **The restrained person** cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.
  - b. **The restrained person** must:
    - sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms within your immediate possession or control. This must be done within 24 hours of being served with this order.
    - file a receipt with the court within 48 hours of receiving this order that proves guns have been turned in or sold. (*Proof of Firearms Turned In or Sold* (form DV-800) may be used for the receipt.)
  - c.  The court has received information that **the restrained person owns or possesses** a firearm.
- 9.**  The protected persons have the right to record communications made by the restrained person that violate the judge's orders.
- 10. Other orders** (specify):

**11.**  A criminal protective order on form CR-160 is in effect:  
 Case number: \_\_\_\_\_ (expiration date): \_\_\_\_\_ County (if known): \_\_\_\_\_

**12. Transmittal order.** The data in this order must be transmitted within one business day to law enforcement personnel. This order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS).

- a.  The court will enter the order into CARPOS through CLETS directly.
- b.  **The court or its designee will transmit a copy of the order to a local law enforcement agency authorized by the Department of Justice to enter orders into CARPOS through CLETS.**  
 If designee, insert name: \_\_\_\_\_

**13.**  **Service of temporary order**

- a.  **Restrained person was present at the time the order was made. No further service is needed.**
- b.  **Restrained person was not present at the time the order was made. This order must be served.**
- c.  **Service of this notice of hearing must be at least**  **five or**  **(specify):** \_\_\_\_\_ **days before the hearing.**

Date: \_\_\_\_\_

\_\_\_\_\_  
JUDICIAL OFFICER

CASE NAME:  _____	CASE NUMBER:  _____
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**Warnings to the Restrained Person**

**If you do not obey these orders, you can be arrested and charged with a crime.** And you may have to go to jail or prison, pay a fine of up to \$1,000, or both. Taking or hiding a child in violation of this order is subject to state and federal criminal penalties.

**You cannot have guns, firearms, or ammunition.** If box 5a is checked, the court issued a temporary restraining order, which means you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other 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 a law enforcement agency any guns or other 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.

**Service of Order by Mail.** If the judge makes a restraining order at the hearing, which has the same orders as in this form, you will get a copy of that order by mail at your last known address, which is written in item 2. If this address is not correct, or to find out if the orders were made permanent, contact the court.

**Instruction for Law Enforcement**

**Applicable only if box 5a is checked.**

**Enforcing the Restraining Order.** This order is effective when made. It is enforceable in all 50 states, the District of Columbia, all tribal lands, and all U.S. territories and shall be enforced as if it were an order of that jurisdiction by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS). If proof of service on the restrained person has not been received and the restrained person was not present at the court hearing, the law enforcement agency shall advise the restrained person of the terms of the order and then shall enforce it.

**Conflicting orders.** If a criminal restraining order (form CR-160) conflicts with a juvenile restraining order (form JV-250), a law enforcement agency must enforce the criminal order. Even if the criminal order is older, the officer must still enforce it over the juvenile order. (Pen. Code, § 136.2.) Any nonconflicting terms of the juvenile custody or visitation order remain in full force. An emergency protective order (form EPO-001) that is in effect between the same parties and that is more restrictive than other restraining orders takes precedence over all other restraining orders. (Pen. Code, § 136.2.)

**Certificate of Compliance With VAWA for Temporary Orders**

This temporary protective order meets all full faith and credit requirements of the Violence Against Women Act (18 U.S.C. § 2265) (VAWA) upon notice of the restrained person. This court has jurisdiction over the parties and the subject matter; the restrained person has been or will be afforded notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. **This order is valid and entitled to enforcement in all jurisdictions 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 those jurisdictions.**

**CLERK'S CERTIFICATE**

[SEAL] I certify that the foregoing *Temporary Restraining Order—Juvenile* is a true and correct copy of the original on file in the court.

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

ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, State Bar number, and address</i> ):  TELEPHONE NO.: _____ FAX NO. ( <i>Optional</i> ): _____ E-MAIL ADDRESS ( <i>Optional</i> ): _____ ATTORNEY FOR ( <i>Name</i> ): _____	<b>FOR COURT USE ONLY</b>  <b>Draft</b> <b>Not approved by</b> <b>Judicial Council</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME:	
<b>APPLICATION AND ORDER FOR REISSUANCE                  OF TEMPORARY RESTRAINING ORDER (JUVENILE)</b>	CASE NUMBER(S):

1. Name of Applicant:
2. Applicant requests the court to reissue the Temporary Restraining Order (Juvenile) that was issued on (*date*):
3. The last hearing date was (*date*):
4. Applicant requests reissuance of the orders because:
  - a.  Person to be restrained could not be served as required before the hearing date.
  - b.  Other (*specify*):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

\_\_\_\_\_ (TYPE OR PRINT NAME) \_\_\_\_\_ (SIGNATURE)

**ORDER**

5. THE COURT ORDERS that the Temporary Restraining Order (Juvenile) as shown in item 2 above and any orders listed are reissued unless this order changes them. The hearing is reset as follows:

Date:	Time:	Dept.:	Room:
at the street address of the court shown above.			

6.  Other (*specify*):
7. a.  Person to be restrained present at the hearing. No further service needed.  
 b.  Person to be restrained not present. This order must be served.
8. All orders will end on the date and time shown in the box above unless the court extends the time.

Date: \_\_\_\_\_ \_\_\_\_\_ JUDICIAL OFFICER

ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, State Bar number, and address</i> ):  _____  TELEPHONE NO. ( <i>Optional</i> ): _____ FAX NO. ( <i>Optional</i> ): _____ E-MAIL ADDRESS ( <i>Optional</i> ): _____ ATTORNEY FOR ( <i>Name</i> ): _____	FOR COURT USE ONLY  <b>Draft Not approved by Judicial Council</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b>  STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME:	
<b>RESTRAINING ORDER—JUVENILE</b> Order After Hearing	CASE NUMBER(S): JUVENILE: FAMILY:

1. **Protected person or persons**

<u>Full Name</u>	<u>Sex</u>	<u>Age</u>	<u>Relationship to child</u>
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2. **Restrained person (full name):**

Sex: <input type="checkbox"/> M <input type="checkbox"/> F	Ht.:	Wt.:	Hair color:	Eye color:	Race:	Age:	Date of birth:
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3. **Order after hearing**

- a. This order after hearing expires on (*date and time*):
- If no expiration date is written, the restraining order ends three years after the date of the hearing, as indicated below.
  - If no time is written, the restraining order ends at midnight on the expiration date.

b. Date hearing held: \_\_\_\_\_ Time: \_\_\_\_\_ Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

c. Judicial officer (*name*): \_\_\_\_\_

d. Persons and attorneys present (*names*): \_\_\_\_\_

- e.  Restrained person present. No further service needed.
- f.  Restrained person not present. This order must be served.
- (1)  The judge's orders in this form are the same as in the prior temporary restraining order except for the expiration date, and the temporary order and notice of hearing was personally served on the restrained person. The restrained person can be served by mail.
  - (2)  The judge's orders are different from those in the prior temporary restraining order. An adult 18 years or older—not the person or persons to be protected—must personally serve a copy of this order on the restrained person.

CASE NAME: _____	CASE NUMBER: _____
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**THE COURT FINDS AND ORDERS****4. Restrained person (child in delinquency proceedings) (select either 4 or 5, not both):**

- a.  The restrained person is a ward of the court or the subject of a petition under Welfare and Institutions Code section 601 or 602 and **must not** contact, threaten, stalk, or disturb the peace of the person or persons in item 1.
- b.  may have peaceful contact with the protected persons named above only for the safe exchange of children for court-ordered visitation as stated in the attached Family, Juvenile, or Probate court order in Case No. \_\_\_\_\_ issued on (date): \_\_\_\_\_, as an exception to the "no-contact" provision in item 4a of this order.
- c.  may have peaceful contact with the protected persons named above only for the safe exchange of children for visitation as stated in a Family, Juvenile, or Probate court order issued after the date this order is signed, as an exception to the "no-contact" provision in item 4a on this order.

**5. Restrained person (other than child in delinquency proceedings) (select either 4 or 5, not both):****a. must not do the following things to the person or persons in item 1**

- (1)  Molest, attack, strike, stalk, threaten, sexually assault, batter, harass, destroy the personal property of, or disturb the peace
- (2)  Contact, either directly or indirectly in **any** way, including but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text message, by fax, or by other electronic means  
 Except for visitation as indicated in c below

**b.  must stay away** at least (specify) \_\_\_\_\_ yards from

- (1)  protected person or persons in item 1, except for visitation as indicated in c below.
- (2)  home of person or persons in item 1.
- (3)  job or workplace of person or persons in item 1.
- (4)  vehicle of person or persons in item 1.
- (5)  school of person or persons in item 1.
- (6)  the children's school or child care.
- (7) other (specify): \_\_\_\_\_

**c.  has the right to visit the minor children** named in item 1 as follows

- (1)  None
- (2)  Visitation according to the attached schedule (form JV-205 must be attached if any visitation is ordered)

**d.  must move** immediately from (address): \_\_\_\_\_

and take only personal clothing and belongings.

**e.  must NOT take any action** to get the address or location of any person named in item 1 or the addresses or locations of the family members, caregivers, or guardians of any persons named in item 1. If this box is not checked, the court has found good cause not to make this order.**6. No guns or other firearms or ammunition****a. Restrained person** cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.**b. Restrained person** must:

- sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms within your immediate possession or control. This must be done within 24 hours of being served with this order.
- file a receipt with the court within 48 hours of receiving this order that proves guns have been turned in or sold. (Proof of Firearms Turned In or Sold (form DV-800) may be used for the receipt.)

**c.  The court has received information that the restrained person owns or possesses** a firearm.**7.  A criminal protective order on form CR-160 is in effect:**

Case number: \_\_\_\_\_

(expiration date): \_\_\_\_\_

County (if known): \_\_\_\_\_

**8.  The protected persons have the right to record communications made by the restrained person that violate the judge's orders.**

CASE NAME: _____	CASE NUMBER:
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9. **Other orders** (*specify*):

10. **Transmittal order.** The data in this order must be transmitted within one business day to law enforcement personnel.

This order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS).

- a.  The court will enter the order into CARPOS through CLETS directly.
- b.  The court will transmit a copy of the order to a local law enforcement agency authorized by the Department of Justice to enter orders into CARPOS through CLETS.
- c.  The court orders its designee (*name*): \_\_\_\_\_ to transmit a copy of the order to a local law enforcement agency authorized by the Department of Justice to enter orders into CARPOS through CLETS.

Date:

\_\_\_\_\_  
JUDICIAL OFFICER

### Warnings to the Restrained Person

**If you do not obey these orders, you can be arrested and charged with a crime.** And you may have to go to jail or prison, pay a fine of up to \$1,000, or both. Taking or hiding a child in violation of this order is subject to state and federal criminal penalties.

**You cannot have guns, firearms, or ammunition.** You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, 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 a law enforcement agency any guns or other 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.

### Instruction for Law Enforcement

**Enforcing the Restraining Order.** This order is effective when made. It is enforceable in all 50 states, the District of Columbia, all tribal lands, and all U.S. territories and shall be enforced as if it were an order of that jurisdiction by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS). If proof of service on the restrained person has not been received and the restrained person was not present at the court hearing, the law enforcement agency shall advise the restrained person of the terms of the order and then shall enforce it.

**Conflicting orders.** If a criminal restraining order (form CR-160) conflicts with a juvenile restraining order (form JV-255), a law enforcement agency must enforce the criminal order. Even if the criminal order is older, the officer must still enforce it over the juvenile order. (Pen. Code, § 136.2.) Any nonconflicting terms of the juvenile custody or visitation order remain in full force. An emergency protective order (form EPO-001) that is in effect between the same parties and that is more restrictive than other restraining orders takes precedence over all other restraining orders. (Pen. Code, § 136.2.)

CASE NAME:  _____	CASE NUMBER:  
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**Certificate of Compliance With VAWA for Orders After Hearing**

This protective order meets all full faith and credit requirements of the Violence Against Women Act (18 U.S.C. § 2265). 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 all jurisdictions 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 those jurisdictions.**

**CLERK'S CERTIFICATE**

[SEAL]

I certify that the foregoing *Restraining Order—Juvenile* is a true and correct copy of the original on file in the court.

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



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  TELEPHONE NO. (Optional): _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<p style="text-align: center;"><i>FOR COURT USE ONLY</i></p> <p style="text-align: center;"><b>Draft</b> <b>Not approved by</b> <b>Judicial Council</b></p>
<p><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b></p> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	CASE NUMBER: JUVENILE:
<p><b>CHANGE TO RESTRAINING ORDER AFTER HEARING</b></p>	RELATED CASES (if any):

1. **Name of protected person (s):**

2. **Name of restrained person:**

3. **Restraining order after hearing issued on (date):**

4.  **Termination of restraining order after hearing (order must be attached)**

5. **Modification of orders**

a.  Persons no longer protected

The following person is no longer a protected person on the restraining order after hearing:

Full Name Sex Age

b.  **Modified visitation order.** The modified visitation order is attached on form JV-205.

c.  Other modifications:

**This order does not require service of process to be effective.**

CHILD'S NAME:  	CASE NUMBER: JUVENILE: FAMILY:
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8. **Transmittal Order.** The data in this order must be transmitted to law enforcement personnel within one business day. This order must be entered into the California Restraining and Protective Orders System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS).
- a.  The court will enter the order into CLETS directly.
  - b.  The court will transmit a physical copy of the order to a local law enforcement agency authorized by the Department of Justice to enter orders into CLETS.
  - c.  The court orders its designee (*name*): \_\_\_\_\_ to transmit a physical copy of the order to a local law enforcement agency authorized by the Department of Justice to enter orders into CLETS.

Date:

\_\_\_\_\_  
JUDICIAL OFFICER