SV-100-INFO How Do I Get an Order to Prohibit Postsecondary School Violence?

These instructions cannot cover all of the questions that may arise in a particular case. If you do not know what to do to protect your rights, you should see a lawyer.

What is a postsecondary school violence protection order?

Under California law (Code Civ. Proc., § 527.85), courts can make orders to protect a student from being subjected to assault, battery, or stalking, or to a credible threat of violence. The procedure is only available with regard to students at postsecondary institutions.

The court can order a person not to:

- Harass or threaten the student;
- Contact or go near the student; and
- Have any firearms (guns), firearm parts, ammunition, or body armor. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).

  For more information about the items a restrained person cannot have, please see selfhelp.courts.ca.gov/restraining-orders/prohibited-items.

These orders will be enforced by law enforcement agencies.

Who can get a postsecondary school violence protection order?

The chief administrative officer of a postsecondary educational institution, or an officer or employee designated by the chief administrative officer to maintain order on the school campus or facility, may request these court orders. These orders must be requested by an officer of the institution that the student attends or is applying to.

- A "chief administrative officer" is the principal, president, or highest-ranking official of the postsecondary educational institution.
- A "postsecondary educational institution" is an institution of vocational, professional, or postsecondary education.

The statute differs from other California laws that allow victims of unlawful violence or credible threats of violence to ask the court for these orders **themselves**. If anyone other than a school officer wishes to apply to the court for an order prohibiting harassment, see *Can a Civil Harassment Restraining Order Help Me?* (form CH-100-INFO.

Who can be protected under this law?

Under this statute, the school officer can obtain a court order on behalf of a student. The court order can last up to three years. The order can also protect family or household members of the student and other students at the campus or facility who are similarly situated.

- A "student" is an adult currently enrolled in or applying for admission to a postsecondary educational institution.
- The "respondent" is the person against whom the school official is requesting the protective order.

A school official may seek protection under this law if:

1. The student has suffered assault, battery, or stalking, or a credible threat of violence;
2. The respondent's conduct is not allowable as part of a legitimate labor dispute as permitted by Code of Civil Procedure section 527.3; and
3. The respondent is not engaged in constitutionally protected activity.

What forms must be used to get the order?

1. *Petition for Postsecondary School Violence Restraining Orders* **(Petition)** (form SV-100). This form tells the judge the facts of the case and what orders the petitioner and student want the court to make.
2. *Confidential Information for Law Enforcement* (form CLETS-001).This form will provide law enforcement agencies with the information needed to enforce any orders that are granted.
3. *Notice of Court Hearing* (form SV-109). This form tells the parties when the hearing on the petition will be held.
4. *Temporary Restraining Order* (**TRO**) (form SV-110). A TRO can be issued to provide protection to the student until the hearing is held. It can be issued by the judge either with or without notice to the respondent.
5. *Postsecondary School Violence Restraining Order After Hearing* **(Order)** (form SV-130). This form is signed by the court following the hearing. The order can last for up to three years depending on what the judge rules.

These forms are all **mandatory**—that is, they must be used in the school violence prevention proceeding.

6. *Proof of Personal Service* (form SV-200). This form is used to show that the other party has been **served** with the petition and other forms as required by law.

Where can I get these forms?

You can get the forms from legal publishers or from the California Courts website at courts.ca.gov/rules-forms/find-your-court-forms. You also may be able to find them at your local courthouse or county law library.

Do I need a lawyer?

The school official may be represented by a lawyer, but one is not required by law. Because the school official's lawyer will generally be representing the interests of the student, the student usually does not need their own lawyer. Whether or not the school official has a lawyer, the respondent may have one.

What steps are needed to get the court orders?

1. Fill in the **Petition** (form SV-100) completely and fill in items 1–3 of the *Notice of Court Hearing* (form SV-109). If you are seeking a **TRO,** also fill out form SV-110.
2. If you are seeking orders based on information from your student and others and not based on what you have personally observed, you **must** have each of those persons complete a declaration to attach to the **Petition** (form SV-100). You may use form MC-031, *Attached Declaration*.
3. Fill in *Confidential Information for Law Enforcement* (form CLETS-001) with as much information as you know. If the judge grants the order, the information on this form will be entered into a statewide protective-order database that will be available to law enforcement agencies if the order needs to be enforced.
4. If you are applying for a **TRO,** fill out form SV-110 completely. The petition and declarations must give the details of assault, battery, or stalking, or the credible threat of violence, and the problems they have caused your student.

   To obtain a **TRO,** you must notify the respondent of the request for the temporary order unless both of the following requirements are satisfied:

   a. It appears from facts shown on the petition that great or irreparable injury will result before the matter can be heard on notice; and

   b. You or your attorney certifies one of the following to the court under oath:

      (1) That within a reasonable time before presenting the petition to the court to ask for a TRO, you informed the respondent or the respondent's attorney when and where the request for a TRO would be made;

      (2) That you in good faith attempted but were unable to inform the respondent and the respondent's attorney, specifying the efforts made to contact them; or

      (3) That for reasons specified, you should not be required to inform the respondent or the respondent's attorney.

5. Take your original completed forms and copies to the clerk's office at the court. You will need at least three copies: one for you, one for the student, and one to serve on the respondent. If there are other persons to be protected by the order, you will need additional copies of the **TRO.** A protected person will need a copy of the **TRO** if it is necessary to call the police. The clerk will file the originals, assign a case number, and return the copies "file-stamped" to you. The clerk will write your hearing date on the *Notice of Court Hearing* (form SV-109).
6. If you are seeking a TRO (form SV-110), the clerk will tell you where and how to present your proposed order to a judge for consideration and signature. The court will decide within 24 hours whether or not to make the order. Sometimes the court decides right away. Ask the clerk if you should wait or come back later. If your request for a TRO is granted while you are still at the court, take the signed original back to the clerk to be filed.

How Do I Get an Order to Prohibit Postsecondary School Violence?

7. If a **TRO** has been issued, ask the clerk whether you or your lawyer will need to deliver a file-stamped copy of the TRO to each law enforcement agency (police, marshal, or sheriff's office) that might be called on to enforce the order. If so, do so immediately.

   If the court issues a TRO, it will last until the hearing date.

8. If the student does not speak English, when you file your papers, ask the clerk if a court interpreter will be available for the hearing. You can also use form INT-300, *Request for Interpreter (Civil)* or a local court form or website to request an interpreter. For more information about court interpreters, go to selfhelp.courts.ca.gov/request-interpreter.

9. Have the respondent personally **served** with copies of the **Petition** (form SV-100), the *Notice of Court Hearing* (form SV-109), the **TRO** (form SV-110) (if issued), a blank **Response** (form SV-120), and a blank *Proof of Service of Response by Mail* (form SV-250). You **cannot** serve the respondent yourself. Service may be made by a licensed process server, the sheriff's department, or any person 18 years of age or older, other than you, the student, or anyone to be protected by the order. For help with service, ask the court clerk for form SV-200-INFO, *What Is "Proof of Personal Service"?*

   Service is essential. It tells the respondent about the order and the hearing. Without it, there cannot be a court hearing, and your temporary orders will no longer be good unless they are extended by the court. The respondent should be personally served immediately after the orders are signed by the judge, unless the court specifies a different time for service.

10. After the respondent has been personally **served,** the person who served the respondent must complete and sign the original *Proof of Personal Service* (form SV-200). Take the signed original and copies back to the court clerk. The clerk will file the original and return "file-stamped" copies to you. Ask the clerk whether you should take a file-stamped copy to each law enforcement agency that might be called on to enforce the order. If so, do so immediately.

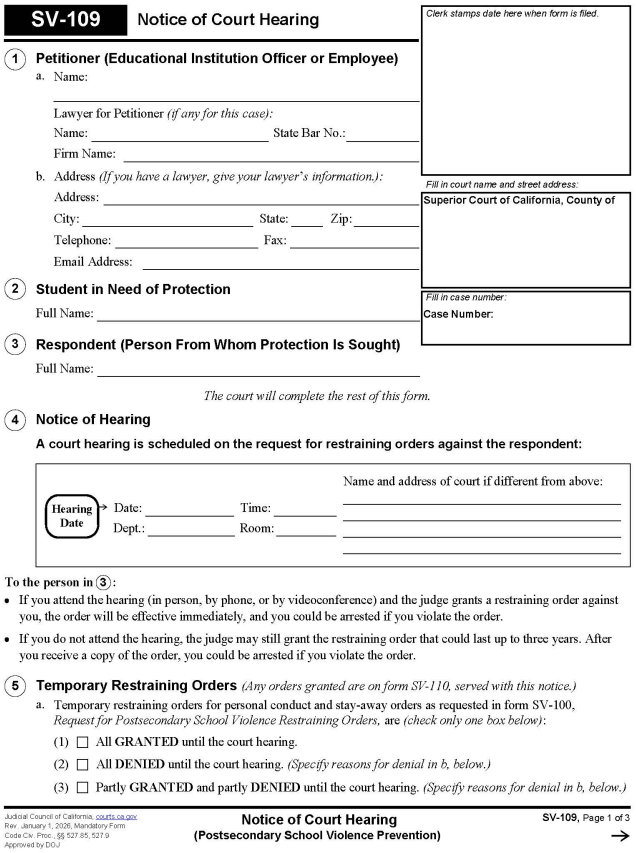
11. Go to court on the date shown at item 4 on the *Notice of Court Hearing* (form SV-109).You do not need to bring any witnesses, but it helps to have more proof of the violence or threats than just one person's word.

    You can bring to the hearing:

    - Witnesses
    - Written statements from witnesses made under oath
    - Photos
    - Medical or police reports
    - Damaged property
    - Threatening letters, emails, or telephone messages

    The court may or may not let witnesses speak at the hearing. So, if possible, you should bring their written statements under oath to the hearing. (You can use form MC-030, *Declaration*.)

    The respondent has the right to attend the hearing, but the respondent does not have the right to speak to the student or to any other person seeking protection. If anyone is afraid, tell the court officer.



SV-109 Notice of Court Hearing

Clerk stamps date here when form is filed.

(1) **Petitioner (Educational Institution Officer or Employee)**
a. Name:
Lawyer for Petitioner *(if any for this case)*:
Name: State Bar No.:
Firm Name:
b. Address *(If you have a lawyer, give your lawyer's information.)*:
Address:
City: State: Zip:
Telephone: Fax:
Email Address:

Fill in court name and street address:
Superior Court of California, County of

(2) **Student in Need of Protection**
Full Name:

Fill in case number:
Case Number:

(3) **Respondent (Person From Whom Protection Is Sought)**
Full Name:

The court will complete the rest of this form.

(4) **Notice of Hearing**
A court hearing is scheduled on the request for restraining orders against the respondent:

Hearing Date → Date: Time:
Dept.: Room:
Name and address of court if different from above:

To the person in (3):
- If you attend the hearing (in person, by phone, or by videoconference) and the judge grants a restraining order against you, the order will be effective immediately, and you could be arrested if you violate the order.
- If you do not attend the hearing, the judge may still grant the restraining order that could last up to three years. After you receive a copy of the order, you could be arrested if you violate the order.

(5) **Temporary Restraining Orders** *(Any orders granted are on form SV-110, served with this notice.)*
a. Temporary restraining orders for personal conduct and stay-away orders as requested in form SV-100, *Request for Postsecondary School Violence Restraining Orders,* are *(check only one box below)*:
(1) ☐ All GRANTED until the court hearing.
(2) ☐ All DENIED until the court hearing. *(Specify reasons for denial in b, below.)*
(3) ☐ Partly GRANTED and partly DENIED until the court hearing. *(Specify reasons for denial in b, below.)*

Judicial Council of California, courts.ca.gov
Rev. January 1, 2026, Mandatory Form
Code Civ. Proc., §§ 527.85, 527.9
Approved by DOJ

Notice of Court Hearing
(Postsecondary School Violence Prevention)

SV-109, Page 1 of 3 →

12. If the judge signs the **Order** (form SV-130), ask the clerk to provide you with a file-stamped copy for each person to be protected. Ask the clerk whether you or your attorney will need to deliver a file-stamped copy of the **Order** to each law enforcement agency that might be called on to enforce the order. If so, do so immediately.
13. If the respondent attended the hearing and heard the terms of the **Order** from the court, no additional proof of service is necessary. If the respondent did not attend the hearing, but the **Order** issued is the same as the TRO (except for the termination date), the **Order** may be served on the respondent by mail. File form SV-260, *Proof of Service of Order After Hearing by Mail*. If the respondent did not attend the hearing and the **Order** differs from the TRO, arrange to have the respondent personally **served** with a copy of the **Order**. File the completed *Proof of Personal Service* (form SV-200) with the court. Give a file-stamped copy of the **Order** and proof of service to your student and to each other protected person. Keep at least one copy for yourself.
14. Once the order is issued, only the judge can change or cancel it. You or the respondent would have to file a request with the court to cancel the order.
15. If the respondent does not obey the order, call the police. The respondent can be arrested and charged with a crime.

What if I have a disability?

If you have a disability and need an accommodation while you are at court, you can use form MC-410, *Disability Accommodation Request*, to make your request. You can also ask the ADA Coordinator in your court for help. For more information, see form MC-410-INFO, *How to Request a Disability Accommodation for Court*.

Information about the process is also available online.

See selfhelp.courts.ca.gov/SV-restraining-order.

For help in your area, contact:

[Local information may be inserted.]

For your protection and privacy, please press the Clear button after you have printed the form.

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