# SV-130 Postsecondary School Violence Restraining Order After 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. Your Address *(If you have a lawyer, give your lawyer's information.)*

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

c. Name of the Postsecondary Educational Institution:

_____

*Fill in court name and street address:*

**Superior Court of California, County of**

*Court fills in case number when form is filed.*

**Case Number:**

## 2 Student (Protected Person)

Full Name: _____

## 3 Respondent (Restrained Person)

*(Give all the information you know. Information with a star (*) is required to add this order to the California police database. If age is unknown, give an estimate.)*

*Full Name: _____ *Age: _____ Date of Birth: _____

*Race: _____ Height: _____ Weight: _____ Hair Color: _____ Eye Color: _____

*Gender: ☐ M ☐ F ☐ Nonbinary Home Address: _____

City: _____ State: _____ Zip: _____

Relationship to Protected Person: _____

## 4 ☐ Additional Protected Persons

In addition to the student, the following family or household members or other students are protected by the temporary orders indicated below:

| Full Name | Gender | Age | Household Member? | Relation to student |
|---|---|---|---|---|
| _____ | _____ | _____ | ☐ Yes ☐ No | _____ |
| _____ | _____ | _____ | ☐ Yes ☐ No | _____ |
| _____ | _____ | _____ | ☐ Yes ☐ No | _____ |

☐ Additional protected persons are listed at the end of this order on Attachment 4.

## 5 Expiration Date

***This order, except for any award of lawyer's fees, expires at***

Date: _____ Time: _____ ☐ a.m. ☐ p.m.

If no expiration date is written here, this order expires three years from the date of issuance.

**This is a Court Order.**



→

## 6 Hearing

a. There was a hearing on *(date):* _____ at *(time):* _____ in Dept.: _____ Room: _____
*(Name of judicial officer):* _____ made the orders at the hearing.

b. These people were at the hearing:

(1) ☐ The petitioner/school representative *(name):* _____

(2) ☐ The lawyer for the petitioner/school *(name):* _____

(3) ☐ The student (4) ☐ The lawyer for the student *(name):* _____

(5) ☐ The respondent (6) ☐ The lawyer for the respondent *(name):* _____

☐ Additional persons present are listed at the end of this order on Attachment 6b.

c. ☐ The hearing is continued. The parties must return to court on *(date):* _____ at *(time):* _____.

**To the Respondent:**

**The court has granted the orders checked below. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to $1,000, or both.**

## 7 Personal Conduct Orders

a. You are ordered **not** to do the following things to the student

☐ and to the other protected persons listed in 4:

(1) ☐ Harass, molest, strike, stalk, assault (sexually or otherwise), batter, abuse, destroy personal property of, or disturb the peace of the person.

(2) ☐ Commit acts of violence or make threats of violence against the person.

(3) ☐ Follow or stalk the person during school hours or to or from the school.

(4) ☐ Contact the person, 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 email, by text message, by fax, or by other electronic means.

(5) ☐ Enter the person's school.

(6) ☐ Take any action to obtain the person's address or locations. If this item is not checked, the court has found good cause not to make this order.

(7) ☐ Other *(specify):*

☐ Other personal conduct orders are attached at the end of this order on Attachment 7a(7).

_____

_____

_____

_____

_____

_____

b. Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order.

**This is a Court Order.**

## 8 Stay-Away Orders

a. You **must** stay at least _____ yards away from *(check all that apply):*

(1) ☐ The student.
(2) ☐ Each other protected person listed in 4.
(3) ☐ The school.
(4) ☐ The student's home.
(5) ☐ The student's job or workplace.
(6) ☐ The student's children's school.
(7) ☐ The student's children's place of child care.
(8) ☐ The student's vehicle.
(9) ☐ Other *(specify):*

_____
_____
_____
_____

b. This stay-away order does not prevent you from going to or from your home or place of employment.

## 9 No Firearms (Guns), Firearm Parts, or Ammunition

a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get any prohibited items listed below in b.

b. **Prohibited items are:**

(1) Firearms (guns);

(2) Firearm parts, meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531); and

(3) Ammunition.

c. If you have not already done so, you must:

- Within 24 hours of being served with this order, sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns), firearm parts, and ammunition in your custody or control or that you possess or own.
- File a receipt with the court within 48 hours of receiving this order that proves that your firearms (guns), firearm parts, and ammunition have been turned in, sold, or stored. (You may use *Receipt for Firearms, Firearm Parts, and Ammunition* (form SV-800) for the receipt.)

d. ☐ The court has received information that you own or possess a firearm (gun), firearm parts, or ammunition.

e. ☐ Permission to have firearm or ammunition for work: The judge has made the necessary findings to grant an exception under Code of Civil Procedure section 527.9(f). The orders are included on form SV-850, *Permission to Have Firearm or Ammunition for Work.*

## 10 ☐ Restrained Person Has Prohibited Items

The court finds that you have the following prohibited items:

a. **Firearms and/or firearm parts**

| | Description *(include serial number, if known)* | Location, if known | Proof of compliance received by the court |
|---|---|---|---|
| (1) | _____ | _____ | ☐ *(date):* _____ |
| (2) | _____ | _____ | ☐ *(date):* _____ |
| (3) | _____ | _____ | ☐ *(date):* _____ |
| (4) | _____ | _____ | ☐ *(date):* _____ |

**10** b. **Ammunition**

| | Description | Amount, if known | Location, if known | Proof of compliance received by the court |
|---|---|---|---|---|
| (1) | | | | ☐ *(date):* |
| (2) | | | | ☐ *(date):* |
| (3) | | | | ☐ *(date):* |
| (4) | | | | ☐ *(date):* |

☐ Check here to list additional items. List them on a separate piece of paper, write "SV-130, Restrained Person Has Prohibited Items" at the top, and attach it to this form.

## 11 ☐ Restrained Person Has Not Complied With Surrendering Prohibited Items

a. The court finds that you have not fully complied with the orders previously granted on *(date):* _____
The court has not received a receipt or proof of compliance for all the items listed in **10**.

b. Notify Law Enforcement
The court will immediately notify the following law enforcement agency of this violation:
*(law enforcement agency or agencies):* _____

c. Notify Prosecutor
The court will immediately notify the following prosecuting agency of this violation:
*(prosecuting agency):* _____

## 12 No Body Armor

You cannot own, possess, or buy body armor (defined in Penal Code section 16288). You must relinquish any body armor you have in your possession.

## 13 ☐ Court Hearing to Review Firearms (Guns), Firearm Parts, and Ammunition Compliance

You must attend the court hearing listed below to prove that you have properly turned in, sold, or stored all prohibited items (described in **9** b) you still have or own, including any items listed in **10**. If you do not attend the court hearing listed below, a judge may find that you have violated the restraining order and notify law enforcement and a prosecuting attorney of the violation.

Date: _____ Dept.: _____
Time: _____ Room: _____

Name and address of court, if different than court address listed on page 1:
_____
_____
_____

**This is a Court Order.**

## 14 ☐ Costs

You must pay the following amounts for costs to the petitioner:

| Item | Amount | Item | Amount |
|---|---|---|---|
| | $ | | $ |
| | $ | | $ |
| | $ | | $ |

☐ Additional amounts are attached at the end of this order on Attachment 14.

## 15 ☐ Other Orders *(specify):*

Additional orders are attached at the end of this order on Attachment 15.

**To the Person in 1:**

## 16 Mandatory Entry of Order Into CARPOS Through CLETS

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

a. ☐ The clerk will enter this order and its proof-of-service form into CARPOS.

b. ☐ The clerk will transmit this order and its proof-of-service form to a law enforcement agency to be entered into CARPOS.

c. ☐ By the close of business on the date that this order is made, the petitioner or the petitioner's lawyer should deliver a copy of the order and its proof-of-service form to the law enforcement agency listed below to enter into CARPOS:

| Name of Law Enforcement Agency | Address *(City, State, Zip)* |
|---|---|
| | |
| | |

☐ Additional law enforcement agencies are listed at the end of this order on Attachment 16.

## 17 Service of Order on Respondent

a. ☐ The respondent personally attended the hearing, either physically or remotely (by telephone or videoconference). No other proof of service is needed.

b. ☐ The respondent did not attend the hearing.

(1) ☐ Proof of service of form SV-110, *Temporary Restraining Order,* was presented to the court. The judge's orders in this form are the same as in form SV-110 except for the expiration date. The respondent must be served with this order. Service may be by mail.

(2) ☐ The judge's orders in this form are different from the temporary restraining orders in form SV-110. Someone—but not the petitioner or anyone protected by this order—must personally serve a copy of this order on the respondent.

**This is a Court Order.**

17 b. (3) ☐ The court has scheduled a firearms, firearms parts, and ammunition compliance hearing. The petitioner must have a copy of this order served on the respondent by:

(a) ☐ Personal service by *(date):* _____

(b) ☐ Mail at respondent's last known address by *(date):* _____

**18 No Fee to Serve (Notify) Restrained Person** ☐ **Ordered** ☐ **Not Ordered**

The sheriff or marshal will serve this order without charge because:

a. ☐ The order is based on assault, battery, or stalking, or a credible threat of violence.

b. ☐ The petitioner is entitled to a fee waiver.

19 Number of pages attached to this order, if any: _____

Date: _____

_____
*Judicial Officer*

## Warning and Notice to the Respondent:

### You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition

Unless 9e is checked, you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get any prohibited items listed in 9b on page 3 while this order is in effect. If you do, you can go to jail and pay a $1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns), firearm parts, and ammunition that you have or control as stated in 9 above. The court will require you to prove that you did so.

## Instructions for Law Enforcement

### Enforcing the Restraining Order

This order is enforceable 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 Restraining and Protective Order System (CARPOS). Agencies are encouraged to enter violation messages into CARPOS. If the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing (see 17), the agency must advise the restrained person of the terms of the order and then must enforce it. Violations of this order are subject to criminal penalties.

### Start Date and End Date of Orders

This order *starts* on the date next to the judge's signature on page 6 and *ends* on the expiration date in 5 on page 1.

### If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, this order remains in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The orders can be changed only by another court order. (Pen. Code, § 13710(b).)

## This is a Court Order.

## Conflicting Orders—Priorities for Enforcement

**If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority** (see Pen. Code, § 136.2; Fam. Code, §§ 6383(h)(2), 6405(b); Code Civ. Proc., § 527.12(d)(2)):

1. *Emergency Protective Order (EPO):* If one of the orders is an *Emergency Protective Order* (form EPO-001), provisions (e.g., stay-away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must also be enforced.
2. *No-Contact Order:* If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. 7 a(4) is an example of a no-contact order.
3. *Criminal Protective Order (CPO):* If none of the orders includes an EPO or a no-contact order, the most recent CPO must be enforced. (Fam. Code, §§ 6383(h)(2), 6405(b); Code Civ. Proc., § 527.12(d)(2).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Pen. Code, § 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must also be enforced.
4. *Civil Restraining Orders:* If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment), then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must also be enforced.

*Clerk's Certificate*
*[seal]*

*(Clerk will fill out this part.)*

**—Clerk's Certificate—**

I certify that this *Postsecondary School Violence Restraining Order After Hearing* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

**This is a Court Order.**



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

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