

**What is a workplace violence restraining order?**

It is a court order that prohibits you from doing certain things and going certain places.

**What does the order do?**

The court can order you to:

- Not contact people who are protected by the order.
- Stay away from people protected by the order and their home, workplace, and other places.
- Not have any firearms (guns), firearm parts, ammunition, or body armor as long as the order is in effect. 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 you would not be allowed to have, please see [selfhelp.courts.ca.gov/restraining-orders/prohibited-items](http://selfhelp.courts.ca.gov/restraining-orders/prohibited-items).

**Who can ask for a workplace violence restraining order?**

An employer or collective bargaining representative can ask for an order on behalf of an employee who has suffered harassment, violence, or a credible threat of violence at the workplace, or members of their household or other employees.

**I've been served with a petition for private workplace violence restraining orders. What do I do now?**

Read the papers served on you very carefully. The *Notice of Court Hearing* tells you when to appear in court. There may also be a *Temporary Restraining Order* forbidding you from doing certain things. You must obey the order until the hearing.

**What if I don't agree with what the order says?**

You still must obey the order until the hearing. If you disagree with the orders the person is asking for, fill out form [WV-120](#), *Response to Petition for Workplace Violence Restraining Orders*, before your hearing date and file it with the court. If you need to include attachments, you can use form [MC-025](#). You can get the forms from legal publishers or from the California Courts website at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms). You also may be able to find them at your local courthouse or county law library.

**What if I don't obey the order?**

The police can arrest you. You can go to jail and pay a fine.

**Do I have to serve the other person with a copy of my response?**

Yes. Have someone age 18 or older—**not you**—mail a copy of completed form WV-120 to the person named in item ① of the petition form WV-100 (or that person's lawyer). (This is called "service by mail.")

The person who serves the form by mail for you must fill out form [WV-250](#), *Proof of Service of Response by Mail*. Have the person who did the mailing sign the original. Take the completed form back to the court clerk or bring it with you to the hearing.

**Should I go to the court hearing?**

Yes. You should go to court on the date listed on form WV-109, *Notice of Court Hearing*. If you do not go to the hearing, the judge can make orders against you without hearing from you.

<b>WV-109 Notice of Court Hearing</b>		<small>Clerk stamps date here when form is filed.</small>							
<b>① Petitioner (Employer or Collective Bargaining Representative)</b> a. Name: _____  <small>Lawyer for Petitioner (if any for this case):</small> Name: _____ State Bar No.: _____ Firm Name: _____		<small>Fill in court name and street address:</small> Superior Court of California, County of _____  <small>Fill in case number:</small> Case Number: _____							
b. Address (If you have a lawyer, give your lawyer's information.): Address: _____ City: _____ State: _____ Zip: _____ Telephone: _____ Fax: _____ Email Address: _____									
<b>② Employee Who Petitioner Asserts Suffered Harassment, Violence, or Threat of Violence</b> Full Name: _____									
<b>③ Respondent (Person From Whom Protection Is Sought)</b> Full Name: _____									
<small>The court will complete the rest of this form.</small>									
<b>④ Notice of Hearing</b> A court hearing is scheduled on the request for restraining orders against the respondent:									
<table border="1"> <tr> <td rowspan="2">Hearing Date</td> <td>Date: _____</td> <td>Time: _____</td> <td>_____</td> </tr> <tr> <td>Dept.: _____</td> <td>Room: _____</td> <td>_____</td> </tr> </table>		Hearing Date	Date: _____	Time: _____	_____	Dept.: _____	Room: _____	_____	<small>Name and address of court if different from above:</small> _____ _____ _____
Hearing Date	Date: _____		Time: _____	_____					
	Dept.: _____	Room: _____	_____						
<b>To the person in ③:</b> <ul style="list-style-type: none"> <li>• 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.</li> <li>• If you do not attend the hearing, the judge may still grant the restraining order that could last up to five years. After you receive a copy of the order, you could be arrested if you violate the order.</li> </ul>									
<small>Judicial Council of California, <a href="http://www.courts.ca.gov">www.courts.ca.gov</a>            Rev. January 1, 2025, Mandatory Form            Code of Civil Procedure, § 527.8            Approved by DOJ</small>		<b>Notice of Court Hearing</b> <b>(Workplace Violence Prevention)</b> <small>WV-109, Page 1 of 3</small> →							



**How long does the order last?**

If the court issued a temporary restraining order before the hearing, it will last until your hearing date. At that time, the court will decide to continue or cancel the order. Any order issued at the hearing can last for up to three years.

**Do I need a lawyer?**

Having a lawyer is always a good idea, but it is not required, and you are not entitled to a free, court-appointed attorney. Ask the court clerk about free and low-cost legal services and self-help centers in your county.

**Will I see the people to be protected at the court hearing?**

Yes. Assume that the people to be protected will attend the hearing. Do not talk to them unless the judge or that person's attorney says that you can.

**Can I bring a witness to the court hearing?**

Yes. You can bring witnesses or documents that support your case to the hearing. But if possible, you should also bring the witnesses' written statements of what they saw or heard. Their statements must be made under penalty of perjury. You can use form [MC-030](#) for this.

**Information about the process is also available online.**

See [selfhelp.courts.ca.gov/WV-restraining-order](http://selfhelp.courts.ca.gov/WV-restraining-order).

**For help in your area, contact:**

*[Local information may be inserted.]*

**What if I don't speak English?**

When you file your papers, ask the clerk if a court interpreter is available. 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](http://selfhelp.courts.ca.gov/request-interpreter).

**What if I have a gun?**

If a restraining order is issued, you cannot own, possess, or have a firearm (gun), firearm parts, ammunition, or body armor while the order is in effect. If you have a firearm (gun) or firearm parts in your immediate possession or control, you must sell it to or store it with a licensed gun dealer, or turn it in to a law enforcement agency.

**Can I agree with the protected person to cancel the order?**

No. Once the order is issued, only the judge can change or cancel it. You or the employer would have to file a request with the court to cancel the order.

**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*.