



Judicial Council of California · Administrative Office of the Courts

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on October 28, 2011

Title	Agenda Item Type
Protective Orders: Forms For Use in Proceedings to Prevent Civil Harassment, Elder and Dependent Adult Abuse, Private Postsecondary School Violence, and Workplace Violence	Action Required
Proposed Rules, Forms, Standards, or Statutes	Effective Date January 1, 2012
Revise, revise and renumber, revoke, and adopt Judicial Council forms for protective order proceedings to prevent civil harassment, elder and dependent adult abuse, private postsecondary school violence, and workplace violence ¹	Date of Report October 12, 2011
Recommended by Civil and Small Claims Advisory Committee Hon. Dennis M. Perluss, Chair Hon. Patricia M. Lucas, Vice-Chair	Contact Patrick O'Donnell, 415-865-7665 patrick.o'donnell@jud.ca.gov Bruce Greenlee, 415 865-7698 bruce.greenlee@jud.ca.gov

Executive Summary

The Civil and Small Claims Advisory Committee recommends the Judicial Council revise, revise and renumber, adopt, and revoke various forms used in proceedings to prevent civil harassment, private postsecondary school violence, workplace violence, and elder and dependent adult abuse.

¹ The form numbers are listed in the Recommendation section on page 2.

The revision and adoption of these forms implement Assembly Bill 1596 (Stats. 2010, ch. 572), the Judicial Council–sponsored legislation to improve and harmonize all the protective order statutes that will become effective on January 1, 2012.² The proposed form changes should make the protective order forms clearer and more consistent with one another; hence, the changes should make it easier for the public and the courts to use the forms and for law enforcement to enforce the protective orders that are granted.

Recommendation

The Civil and Small Claims Advisory Committee³ recommends that the Judicial Council, effective January 1, 2012:

1. Revise forms CH-100, EA-100, SV-100, WV-100, SV-100-INFO; WV-100-INFO, SV-109, WV-109, SV-110, WV-110, SV-120, WV-120, SV-120-INFO, WV-120-INFO, EA-130, SV-130, WV-130, SV-200, SV-200-INFO, WV-200, WV-200-INFO, SV-250, and WV-250;
2. Revoke forms SV-102, WV-102, and DV-260/CH-102/EA-102/JV-248, and adopt form CLETS-001;
3. Revoke forms CH-120 and EA-120 and adopt forms CH-109, CH-110, EA-109, and EA-110 as new separate forms;
4. Revise and renumber forms CH-110 as CH-120; CH-125 as CH-115, CH-130 as CH-200, CH-131 as CH-250, CH-135 as CH-200-INFO, CH-140 as CH-130, CH-145 as CH-800, CH-150 as CH-100-INFO, and CH-151 as CH-120-INFO;
5. Revise and renumber forms EA-110 as EA-120; EA-125 as EA-115, EA-140 as EA-200, EA-141 as EA-250; EA-142-INFO as EA-200-INFO, EA-145 as EA-800, EA-150-INFO as EA-100-INFO, and EA-151-INFO as EA-120-INFO; and
6. Adopt forms CH-116, CH-260, CH-700, CH-710, CH-720, CH-730, CH-800-INFO, EA-116, EA-260, EA-700, EA-710, EA-720, EA-730, EA-800-INFO, SV-115, SV-116, SV-

² The domestic violence prevention forms and juvenile protective order forms will also be revised this year to reflect changes in the law under AB 1596. The revisions to those forms are presented in separate reports from the Family and Juvenile Law Advisory Committee.

³ This proposal was developed by the committee with the assistance of the Protective Orders Working Group, which is composed of members from the Civil and Small Claims Advisory Committee, the Family and Juvenile Law Advisory Committee, the Criminal Law Advisory Committee, and the Domestic Violence Practice and Procedures Task Force. The working group is cochaired by Judges Jerilyn L. Borack and Patricia M. Lucas. It has coordinated the revisions of all the different protective order forms and sought to achieve consistency in style, formatting, and language to the extent appropriate.

260, SV-700, SV-710, SV-720, SV-730, SV-800-INFO, WV-115, WV-116, WV-260, WV-700, WV-710, WV-720, WV-730, and WV-800-INFO.

Copies of the forms to be revised, renumbered and revised, adopted, and revoked are attached at pages 26–221.

Previous Council Action

The Judicial Council sponsored the legislation that resulted in the comprehensive revision of the protective order statutes.⁴ Assembly Bill 1596 was enacted and signed by the Governor in September 2010.⁵ It will become effective on January 1, 2012.

AB 1596 amended sections of the Code of Civil Procedure, Welfare and Institutions Code, Family Code, and Government Code that provide for protective orders relating to civil harassment (CH), private postsecondary school violence (SV), workplace violence (WV), elder and dependent adult abuse (EA), juvenile law (JV), and domestic violence (DV). The purpose of the legislation was to create greater consistency in procedures and practices, eliminate unnecessary statutory differences, fill in procedural gaps, clarify uncertain matters, and generally improve the statutes that relate to protective orders.

Rationale for Recommendation

Legislative implementation

This report recommends the revision of Judicial Council protective order forms so that they will be consistent with the law under Assembly Bill 1596 when it becomes effective on January 1, 2012.

Important features of the legislation include the following:

- The bill consistently describes the parties in all types of protective order proceedings as the “petitioner” and the “respondent,” and it defines those terms.
- The bill specifies the particular types of orders that can be issued in response to a request for a civil harassment, workplace violence, private postsecondary school violence, or juvenile court protective order.
- The bill allows the court to include other named family or household members of the petitioner in a civil harassment, workplace violence, or private postsecondary school violence prevention order without regard to where they reside.

⁴ The Judicial Council report recommending the protective order legislation is available at www.courts.ca.gov/documents/121509item5.pdf.

⁵ The text of AB 1596, as chaptered, may be viewed at www.leginfo.ca.gov/pub/09-10/bill/asm/ab_1551-1600/ab_1596_bill_20100930_chaptered.pdf.

- The bill requires the court to act on a request for a temporary restraining order to prevent civil harassment, elder or dependent adult abuse, workplace violence, or private postsecondary school violence on the same day that the petition is filed, unless it is filed too late in the day to permit effective review, in which case it must be acted upon on the next judicial business day.
- The bill provides that the court must hold a hearing on all types of protective orders within 21 days of the date the request for a temporary restraining order is granted or denied, or if good cause appears, 25 days.
- The bill provides that a civil harassment, workplace violence, or private postsecondary school violence order after hearing may last no more than three years and may be renewed, upon the request of a party, for not more than three years without a showing of further harassment or abuse since the issuance of the original order. In addition, like the statute on domestic violence prevention, the statute on elder and dependent adult abuse prevention will allow a restraining order after hearing to last up to five years and to be renewed either for five additional years or permanently.
- The bill adds to the statutes on civil harassment, workplace violence, and private postsecondary school violence express provisions authorizing the court to reissue temporary restraining orders that could not be served within the time required by statute, and provides that a reissued order remains in effect until the date set for the hearing on the permanent order.
- The bill provides that when the person named in a civil harassment, workplace violence, or private postsecondary school violence protective order has not been served personally with the order after the hearing but has received actual notice of the existence and substance of the order through personal appearance in court to hear the terms of the order from the court, no additional proof of service is required for enforcement of the order.
- The bill allows for mail service in civil harassment, workplace violence, and private postsecondary school violence proceedings when the permanent order issued by the court is identical to the temporary restraining order except for its duration, and the respondent has not appeared; the amended statutes require that the Judicial Council forms for temporary orders include a notice to the respondent about this provision.
- Information regarding any protective order issued by a court must promptly be transmitted to the Department of Justice for entry through the California Law Enforcement Telecommunications System (CLETS) into the California Restraining and Protective Order System (CARPOS) database. The bill provides that, as an alternative to requiring the court to order the petitioner to deliver a copy of a civil harassment, workplace violence, private postsecondary school violence, or elder and dependent adult

abuse protective order to law enforcement agencies by the close of the business day on which the order was granted, the court may transmit a copy to law enforcement for entry into CARPOS through CLETS or the court itself may enter the order into CARPOS through CLETS, if authorized, within one business day.

- The bill incorporates the Penal Code prohibition on owning, possessing, purchasing, or receiving ammunition into the existing firearm prohibition provisions in each of the protective order statutes.
- The bill provides for free service by the sheriff or marshal of a civil harassment order if it is based on unlawful violence as well as on a credible threat of violence or stalking.
- The bill provides that for all types of protective orders, any request for renewal may be brought within the three months before expiration of the orders.

General changes to the forms

Legal accuracy. All the protective order forms have been reviewed and modified to accurately reflect and implement recent changes in the law, including most notably the enactment of AB 1596. Many specific items on the forms have been revised and some new items added for this purpose, as discussed more fully below.

Renumbering. The Judicial Council protective order forms have evolved over many years, and different numbering systems have been employed on forms used in different types of proceedings. As part of the comprehensive overhaul of all the protective order forms, this proposal recommends that some of the current forms be renumbered so that there will be a consistent system of numbering for all types of forms used to request and obtain protective orders.

Thus, all protective order petitions will use 100s as identifying numbers, all responses 120s, all notices of hearing 109s, all temporary restraining orders 110s, and so forth. This uniform numbering system should make it simpler for courts, litigants, and law enforcement to identify, locate, and use the forms. Also, the information forms have been renumbered so that they correspond to the particular forms to which they relate. Thus, the information form for the civil harassment petition, form CH-100, has been renumbered as form CH-100-INFO instead of as form CH-150. This renumbering should make all the information forms easier to identify, locate, and use.⁶

⁶ Two charts showing the proposed renumbering of the CH and EA protective order forms are attached at the end of this report. The SV and WV forms were adopted or revised more recently using the new numbering system; hence, they do not need to be renumbered.

Style and format changes. The protective order forms have evolved over the years to be much clearer and more user-friendly. The ongoing efforts at forms improvement have most notably involved a major commitment over the past decade to use plain language on all the protective order forms. Format and layout changes have been also made so that the forms are easier to use.

Recently, the forms' design has also taken into account the need to make the forms compatible with electronic filing, case management, and forms generation and assembly; at the same time, the forms have been designed so that they continue to be workable for self-represented litigants who handwrite them as well as for persons who may be preparing the forms electronically.

The revised forms in this proposal embody these developments. The language on the forms has been carefully reviewed for clarity. Bold headings have been added at the beginning of each item to specify its subject. Unnecessary case information about the parties in the header at the top of each page has been eliminated, thereby simplifying preparation of the forms.

In addition, the captions of the forms have been redesigned to be clearer and easier to use. Address blocks have been revised to combine the petitioner's and the attorney's address, telephone number, e-mail address, and fax number; this should simplify the captions and save space. The address blocks also have been redesigned to provide separate fields for each item so that all the information about the parties can easily be located. This feature is very important for electronic filing and case management systems in which information is transferred from an incoming form to an outgoing form. To facilitate electronic data transfer, each individual item of data needs to be labeled separately. Therefore, former address fields, which collect a complete address as a single data item, have been eliminated.

Another set of changes relates to attachments. On the civil harassment and elder abuse prevention forms, the instructions about attachments indicate that the user can use a sheet of paper or Form MC-025, the standard Judicial Council attachment form. These instructions are meant to assist self-represented litigants completing the forms. However, on the workplace and private postsecondary violence prevention forms, which are to be completed by employers or school administrators or their lawyers, the forms simply state that additional information is provided on the numbered attachment, without more detailed instructions.

Finally, whenever any form refers to the California Courts website, the reference has been revised to refer to *www.courts.ca.gov*.

Differences in form sets. The protective order forms for private postsecondary school violence were adopted effective January 1, 2011. At the same time, the forms for workplace violence were converted to plain language style and format. Thus, for the most part, the only significant revisions to these forms have been to update them to be consistent with recent changes in the law. By comparison, the forms for use to prevent civil harassment and elder or dependent adult abuse have not been revised recently and thus have been more extensively revised in this proposal.

Additional information about the substantive and stylistic changes on the forms is provided below in connection with the discussion of particular forms.

Petitions, responses, and information forms (forms CH-100, CH-100-INFO, CH-120, CH-120-INFO, EA-100, EA-100-INFO, EA-120, EA-120-INFO, SV-100, SV-100-INFO, SV-120, SV-120-INFO, WV-100, WV-100-INFO, WV-120, and WV-120-INFO)

All petitions, responses, and information sheet forms have been updated to reflect the enactment of AB 1596. References to the prohibition of owning, possessing, purchasing, or receiving *ammunition* as well as firearms have been added. The forms have also been revised to tell petitioners that, if the respondent did not attend the hearing but the order issued is identical to the temporary restraining order (except for the termination date), the order may be served on the respondent by mail.

Several additional technical changes have been made. As mentioned above, address boxes in the captions have been modified. The party name blocks at the top of each page have been eliminated. The information forms have been renumbered and updated so that they accurately refer to revised and renumbered forms. And the civil harassment and elder abuse prevention response forms have been renumbered as CH-120 and EA-120 to be consistent with the other protective order response forms.⁷

Confidential CLETS Information form (form CLETS-001)

The purpose of the *Confidential CLETS Information* form is to enable persons seeking protective orders to provide important information about themselves and others to be transmitted through the California Law Enforcement Telecommunications System (CLETS) into the California Restraining and Protective Order System (CARPOS), a statewide database used by law enforcement agencies for the purpose of enforcing court protective orders.

The Judicial Council initially adopted a *Confidential CLETS Information* form for use in domestic violence proceedings. Subsequently, similar forms were adopted for use in proceedings to prevent elder and dependent adult abuse and civil harassment. These three forms were consolidated, effective July 1, 2007, into a single form. In 2010, the single form was revised so it could also be used in juvenile protective order proceedings. The combined form is designated as form DV-260/CH-102/EA-102/JV-248. Also in 2010, two additional *Confidential CLETS Information* forms were adopted for use in workplace violence and school violence protective order proceedings; these forms are designated as WV-102 and SV-102.

At this time, the committee recommends the adoption of a single *Confidential CLETS Information* form designated as CLETS-001 to replace all the separate forms that are currently

⁷ The SV-120 and WV-120 response forms were not circulated for comment because it was assumed that no changes to those forms would be necessary. However, because the titles of the petition forms have been changed based on the comments, it is necessary to revise the responses to accurately identify the forms to which they are responses.

being used for this purpose. The new CLETS-001 will be similar to the form currently used in connection with domestic violence, civil harassment, elder and dependent adult abuse, and juvenile protective orders. References to this new form and instructions to complete it and submit it to the court will be included on petitions.

Notices of hearing and temporary restraining orders (forms CH-109, CH-110, EA-109, EA-110, SV-109, SV-110, WV-109, WV-110; forms CH-120 and EA-120)

For the past few years, the notices of hearing and temporary restraining orders, which had previously had been combined on a single form, have consistently been divided into two separate forms. The forms were separated because respondents, law enforcement, and others found the combined form confusing when a temporary restraining order was denied. In the older combined forms, the restraining-order pages, either left blank or marked out, were served along with the notice of hearing. Separating the forms has eliminated the source of confusion. If a temporary restraining order is denied, only the notice of hearing is served on the respondent. The current forms revision proposal continues and expands this approach. This report recommends that revocation of the existing combined notice of hearing and temporary restraining order forms (CH-120 and EA-120).⁸ All the form sets have separate notices of hearings (numbered as 109s) and temporary restraining orders (numbered as 110s).

Notices of Hearing. The notice of hearing forms for all types of protective orders (forms CH-109, EA-109, SV-109, and WV-109) are based on the forms that were adopted for private postsecondary school violence prevention and workplace violence prevention proceedings in 2010. Like recent versions of the notice of hearing forms, the revised forms include a place for the court to indicate whether a request for temporary restraining order has been granted, denied, or partly granted and partly denied. The forms also have a place where the court can indicate the reasons for denial of a request for a temporary restraining order. The forms continue to include a check box for the mostly commonly encountered grounds for denial, but the language describing the grounds has been modified and tailored to specific types of proceedings.

The notice of hearing forms have been slightly reorganized to collect all the information for the petitioner and respondent at the end. Both parties are given information about service. The information provided also includes bullet points informing petitioners that, if they are unable to serve the respondent, they may ask for more time to serve the documents using the form *Request to Continue Court Hearing and to Reissue Temporary Restraining Order* and respondents that, if they want to respond to the request in writing, they may use the form *Response to Request for Civil Harassment Restraining Orders*.

Temporary Restraining Orders. The main features of the revised temporary restraining orders are described as below.

⁸ As mentioned above, the new CH-120 and EA-120 forms would be for responses. After the proposed revisions, all response forms will have 120s as the designator.

1. Check boxes indicating rulings. The forms recently developed for temporary restraining orders and orders after hearing in workplace and school violence prevention proceedings have included explanatory check boxes at the beginning of each item ordered for the judicial officer to indicate whether the requested order item has been granted, not granted, or not requested. This was a change from previous order forms.

Earlier forms used a format—which is still the case for the orders to prevent civil harassment and elder and dependent adult abuse that have not recently been revised—that did not include any boxes to indicate the court’s rulings; instead, they simply had a single check box in front of each item that the court could order. If the court decided to grant the orders in that item, it checked the box.

The committee recommends that all the revised temporary restraining order forms use the newer approach that includes explanatory check boxes for the judicial officer to indicate whether a particular order is granted, denied, or not requested.⁹ The layout of the boxes has been made even clearer than in previous versions. Each item that might be ordered by the judicial officer has the following set of three explanatory check boxes:

Not Requested **Denied Until Hearing** **Granted as Follows:**

These check boxes will enable the judicial officer to clearly indicate his or her ruling on each item in the temporary restraining order.

On the other hand, the committee recommends that the orders after hearing described below use the earlier approach—that is, they simply contain a single box at the beginning of each applicable order. So if the box is checked, that means that the order is granted; if it is not checked, it means the order is not granted.¹⁰ The committee did not think that the multiple check boxes explaining the court’s rulings were necessary on orders after hearing. This matter is discussed further under Comments, Alternatives Considered, and Policy Implications.

2. Other issues. A few other modifications have been made to the revised temporary restraining orders. First, the stay-away orders on the forms have been standardized. The shorter format (with an “other” option) used in the current domestic violence prevention orders has been used in all the order forms.

Second, to implement AB 1596, a new “notice regarding nonappearance at the hearing and service of the order” has been added to each of the temporary restraining order forms. The notice explains that if the permanent order issued by the court is identical to the temporary restraining order except for its duration and the respondent has not appeared, the order after hearing may be served on the respondent by mail.

⁹ The check boxes indicating rulings are included on attached forms CH-110, EA-110, SV-110, and WV-110.

¹⁰ See attached forms CH-130, EA-130, SV-130, and WV-130.

Third, more detailed instructions to law enforcement, which had previously been included only on the domestic violence prevention order forms, have been added to each of the other temporary restraining order forms.

Fourth, provisions about firearms restrictions and firearms relinquishment are currently included both in a specific item on the orders and in instructions later on the forms. Even though this approach is somewhat repetitive, it has the benefit of emphasizing the importance of not possessing and of relinquishing firearms. The committee recommends retaining this approach on the revised forms because of the importance of informing respondents about the firearms restrictions and relinquishment requirements.

Requests to continue court hearings and to reissue temporary restraining orders, and notices of new hearing dates and orders on reissuance (forms CH-115, CH-116, EA-115, EA-116, SV-115, SV-116, WV-115, and WV-116)

AB 1596 added new provisions to the protective order statutes on the reissuance of orders. To implement these provisions, new forms (115s) have been developed for the petitioner to request a continuance and the reissuance of a temporary restraining order.

The series 115 forms will replace CH-125 and EA-125, which were combined forms for requests and orders for use in proceedings to prevent civil harassment and elder or dependent adult abuse. These new forms will also for the first time provide request forms for use in private postsecondary school and workplace violence prevention proceedings, which previously had no such forms.

In addition, new form orders (116s) have been developed for courts to use to issue orders on requests for a continuance and reissuance of a temporary restraining order. These forms are separate from the 115 forms for requesting reissuance. The order forms are designed so that they can be used by the court not only in response to a written request for reissuance by the petitioner, but also to provide for continuances granted at the request of a respondent or issued in the discretion of the court. The order forms, which include the new hearing date and various orders, are meant to be served on respondents with any temporary restraining order that has been issued. The forms contain all the provisions and notices required by AB 1596.

Restraining orders after hearing (forms CH-130, EA-130, SV-130 and WV-130)

To implement AB 1596, the orders after hearing have been revised to include a provision authorizing service on the respondent by mail if that person was present in court and the judge's orders were the same as in the temporary restraining orders except for the expiration date.

Like the temporary restraining orders, the orders after hearing have been revised to include simplified stay-away orders and instructions to law enforcement. The orders also contain a provision required by statute in which the court directs the method by which the order after hearing must be entered through CLETS into CARPOS.

Unlike the temporary restraining orders, the revised orders after hearing follow the earlier format of a single check box in front of each item to be ordered rather than separate check boxes for each item where the judicial officer can indicate whether the order is granted, denied, or not requested. This matter is discussed further under Comments, Alternatives Considered, and Policy Implications.

Proofs of service (forms CH-200, CH-200-INFO, CH-250, CH-260, EA-200, EA-200-INFO, EA-250, EA-260, SV-200, SV-200-INFO, SV-250, SV-260, WV-200, WV-200-INFO, WV-250, and WV-260)

The proof of service forms have been renumbered to be part of a comprehensive 200 series. The titles and form numbers of the documents served have been modified as necessary. The information forms have been revised to refer to the renumbered forms; they also describe and reference the new forms for requesting reissuances and continuances. Stylistic and formatting changes have been made to some of the forms so that they are consistent with one another.¹¹

In addition, to implement changes in the law, new forms numbered 260 have been developed for petitioners to use if service of the order after hearing by mail is authorized.

Requests to renew restraining orders, notices of hearings to renew restraining orders, responses to requests to renew restraining orders, and orders renewing restraining orders (forms CH-700, CH-710, CH-720, CH-730, EA-700, EA-710, EA-720, EA-730, SV-700, SV-710, SV-720, SV-730, WV-700, WV-710, WV-720, and WV-730)

AB 1596 contains new provisions relating to the renewal of protective orders. New forms have been created to provide litigants and the courts with a comprehensive set of forms for use in requesting, opposing, and issuing orders to renew protective orders. These forms have been designated as a 700 series of forms.

Proofs of firearms turned in or sold (forms CH-800, CH-800-INFO, EA-800, EA-800-INFO, SV-800-INFO, and WV-800-INFO)

The forms for use in turning in or selling firearms have been renumbered in an 800 series. Also, for every type of protective order, a new information-sheet form, “How Do I Turn in or Sell My Firearm?” has been added. These information forms are based on form DV-810.

¹¹ The SV-200, SV-250, WV-200, and WV-250 proof of service forms were not circulated for comment because it was assumed that no changes to those forms would be necessary. However, in light of the title changes to some of the forms to be served, it is necessary to revise the proofs of service.

Comments, Alternatives Considered, and Policy Implications

Comments and responses

This proposal was circulated for public comment between April 21 and June 30, 2011. Twelve comments were received. Most of the comments were from the superior courts. The Department of Justice also provided comments. A list of the commentators and a chart summarizing the comments and the committee's responses are attached at pages 222–268.¹²

The comments were generally favorable, but included many specific suggestions about particular features of the forms. Some comments were technical and others were more substantive. This report focuses on the comments concerning the matters of greater importance or interest.¹³

Address blocks in captions. Several comments concerned the addresses blocks in the captions, particularly in the forms used to petition for orders to prevent domestic violence and civil harassment.¹⁴ The versions of those forms that were circulated had revised the standard address block so that the separate places for the addresses of the party and the attorney, if any, were replaced with a place for a single address and an instruction to provide either the petitioner's or the attorney's address in that place.

A commentator thought that the current double-address approach was clearer. The committee considered this alternative but disagreed with it. It recommends the single-address approach. A single address is simpler, more efficient, and similar to the format in the captions of standard Judicial Council forms, which have been used effectively for many decades. The committee, however, thought that the captions could be improved by placing an "a" before the part of the caption with the name of the party and the party's attorney and a "b" before the part with the address. The revision of the captions into subparts "a" for parties and attorneys and "b" for addresses has been used on all applicable forms.

It is also important for all the information in the captions of the forms to be broken into separate fields, as is done on all the proposed revised forms. Previously, some of the captions on the plain-language protective order forms had been designed with a single block of lines for petitioners or attorneys to enter multiple items of information (names, addresses, telephone numbers, and State Bar numbers). This earlier format sometimes was difficult to read and

¹² In addition, 23 comments were received on the proposed revisions to the domestic violence protective order forms, which were circulated separately. Because many of the comments regarding those forms are applicable to the protective order forms in this report, the report also includes a discussion of some of the comments submitted on the domestic violence prevention forms.

¹³ Other minor noncontroversial or technical matters are addressed in the comment chart.

¹⁴ The captions of the forms for the petitions brought by representatives (e.g., conservators, employers, and school administrators) did not generate any comments.

resulted in incomplete information. Also, the format prevented the forms from being used effectively for processing in modern case management systems, e-filing, and other operations involving the creation and transmission of data. In the future, separate fields should be used consistently for each item of information requested in the caption of a Judicial Council form. As one commentator pointed out, the separate fields will make it more likely that all the required information will be entered. (See comment 6.) It also will enable the forms to be used effectively with modern technology.

Titles of forms. Some existing petitions and all the petitions that were circulated had titles like “Request for Orders to Stop Civil Harassment,” “Request for Orders to Stop Domestic Violence,” and so forth. A commentator suggested that these titles might create a false sense of security in litigants because courts can only grant orders—they cannot actually stop harassment, violence, or abuse. So instead, a more conventional title such as “Request for Civil Harassment Restraining Order” or “Request for Domestic Violence Restraining Order” might be used.

The committee agreed with this suggestion and has revised the titles of applicable forms to conform to this approach. This is somewhat of a change from the more plain-language approach that has been used recently in the forms.¹⁵ Nonetheless, the committee thought that the greater clarity and accuracy of the more conventional titles warrant their use. As mentioned previously this change in the titles has required some additional changes to the proof of service and responses forms.

Stay-away orders. Over the years, the aspect of the protective-order forms that has changed the most frequently and has generated the most discussion has been the content and layout of the stay-away orders proposed in petitions and granted in orders.¹⁶ Different types of petitions and orders have used widely different ways of identifying the person or persons to be protected and the place or places that the restrained person must stay away from.

The committee recommends a single approach to stay-away orders to be used on all protective order forms. This approach is based on the current DV-100, DV-110, and DV-130 forms. The rationale for adopting this approach is that it is simpler, easier to complete, and legally sound.

¹⁵ The WV and SV petitions in effect since January 1, 2011 have had the titles “Petition for Orders to Stop Workplace Violence” and “Petition for Orders to Stop Private Postsecondary School Violence.”

¹⁶ In the past, no-contact orders had also been somewhat inconsistent on different forms. The enactment of AB 1596 and the incorporation of the specific no-contact provisions provided in that legislation into each applicable form should result in greater consistency in that area.

Confidential CLETS Information form. The comments raised a number of issues about the *Confidential CLETS Information form*.

1. One or multiple forms. The first question was whether there should be a single CLETS information form with a universal designator or six separate forms that would be identical except for the designators, which would be different for each series of protective order forms. The commentators were divided on this question. Some recommended a single form with a single designator; others preferred separate designators.

One court stated: “There should be a single form with a universal designator, CLETS-001....This will provide a unity among the five protective orders and the information needed for all five protective orders is identical. The petitioner will know that this CLETS form needs to be completed because the Request form references this CLETS form...Also, as this is not a form that is served on the respondent, having a numbering for this form that is separate from the protective order will prevent accidental service by law enforcement.” (Comment 6.) On the other hand, another court stated: “There should be a separate CLETS information form for each type of protective order. Although the information is all the same, it would be harder for the public to locate an additional form type (ex. CLETS-001) when looking on the Judicial Council website.”(Comment 11.)¹⁷

Each approach has its advantages and disadvantages. Although the version of the CLETS information form that was circulated used the second, multidesignator approach, on further consideration the committee recommends the single-designator approach. A single form designated CLETS-001 is simpler and should result in less confusion. The problems of locating the CLETS forms can be addressed by providing cross-references to that form on all petitions and by including that form on the California Courts website under each separate category of protective order forms.

2. What address to include. The second issue on the CLETS forms was which address, if any, should be included for the protected person. The alternatives included providing the person’s mailing address, home or actual address, or no address.

The committee recommends that the form include a place to provide the protected person’s mailing address in item 1, which is what is currently requested on the form. As some commentators observed, the person’s home or actual address would provide more information for law enforcement. However, other commentators were concerned because, although the CLETS information form is designated as confidential, it may sometimes show up in the public court file or be served inadvertently on a respondent. Balancing the usefulness of providing

¹⁷ Commentators on the separate proposals to revise the domestic violence and juvenile law protective order forms also commented on this issue. The majority of the commentators supported a single CLETS information form.

information about the protected person's actual address to law enforcement against the risks to protected persons from including such sensitive information about them on the form, the committee recommends that only the mailing address be provided. For the same reason, it recommends stating on the form that the protected person's telephone number is "optional."

3. Other issues on CLETS-001. The committee discussed a suggestion that an initial date, amended date, and signature be included on the form. It recommends that places be provided to indicate the initial date and the amended date of the form, but thought that a signature line was unnecessary. The committee also thought that it would be useful to include a place to indicate the relation of the protected person to the other protected persons in item 4, as is currently done on form DV-260.

Notice of Court Hearing. There were a number of comments about the proposed notices of court hearing (the 109 forms). The committee carefully considered these comments and responds as follows.

1. Reorganization of information. There was a comment that the forms that were circulated were disjointed and should be reorganized. (See comment 11.) The committee agreed. The notice forms have been restructured so that (1) all the court's orders are together after the notice of hearing and above the judicial officer's signature, and (2) after that signature line, all the information directed to the petitioner is together in one place and all the information directed to the respondent is together in another.

2. Reasons for denial of temporary restraining orders. The proposed notice of hearing forms include a space where the judicial officer can explain the reason why he or she has denied the request for a temporary restraining order. Such an explanation is required by statute to be included on the domestic violence prevention forms. (See Fam. Code, § 6320.5.) Recently, spaces for judicial officers to provide the reason for their denial of requests for temporary orders have also been included in SV and WV forms. One commentator, however, objected to this "trend." The commentator recommended that no spaces for explanation of the judicial officer's denial of a request be included on the revised CH and EA notices of hearing. (See comment 5.)

The committee disagreed with this suggestion. It supports including on all the 109 forms a space for judicial officers to explain the reasons for the denial of a request for temporary restraining orders. In all types of protective order proceedings, the explanation for a denial is useful to the parties. It assists them in better preparing for the hearing. It promotes fairness and effectiveness of adjudication. Also, providing this information assists the appellate courts in the event of an appeal. (See *Nakamura v. Parker* (2007) 156 Cal. App.4th 327, 335-336.) On the other hand, if the CH and EA forms were to be revised to provide no space on the forms for an explanation, this would effectively prevent judicial officers from providing the reason for their denial even if

they thought they should provide the reason and wanted to do so. Hence, the committee recommends including a space for the judicial officers to explain the reasons for denial on all the 109 notice of hearing forms.

The committee did identify one problem with the version of the statement of reasons on some of the proposed forms. The current and proposed versions of the notice of hearing for domestic violence, school violence and workplace violence prevention proceedings currently require the judicial officer to provide an explanation for the court’s denial only of personal conduct and stay away orders. But the proposed notices for other types of proceedings that were circulated asked for an explanation of the reasons for denying “all or some” of the orders requested. The committee thought that providing space for this broader explanation was unduly burdensome and unnecessary. So all the proposed notices of hearing recommended in this report will have a space for judicial officers to provide reasons for the denial only of requests for personal conduct and stay-away orders.

3. Service of documents. Commentators pointed out the language on the proposed notice of hearing forms was not always clear about the time for service. Under AB 1596, the time for service of all protective order forms on the respondent will be at least five days before the hearing, unless the court for good cause shortens the time for service. (See e.g., Code Civ. Proc., § 527.6(m).) The notice of hearing forms have been revised to use a consistent statement to the petitioners that the time for service of the notice is at least five days before the hearing or such other number of days as the court specifies on the forms.

The committee also considered the appropriate list of documents that must be served on the respondent. It recommends that a similar list—adapted to each type of proceeding—be used on all of the notice of hearing forms.

Temporary restraining orders and orders after hearing

A number of issues regarding the proposed temporary restraining orders (the 110 forms) and orders after hearing (the 130 forms) were discussed in the comments.

1. Check boxes to indicate the court’s rulings. Recent versions of the temporary restraining order forms and orders after hearing have included check boxes at the beginning of each item ordered for the judicial officer to indicate whether the requested order item has been granted, not granted, or not requested. The revised temporary restraining order forms circulated for comment were slightly modified to be clearer. On the 110 forms, it was proposed that each item that might be ordered by the judicial officer should have at the beginning the following check boxes:

Not Requested **Denied** **Granted As Follows:**

The purpose of these including these three check boxes was to enable the judicial officer to clearly indicate his or her ruling on each item in the order.

Even before this proposal was circulated for comment, it was evident that there were significant differences of opinion on the issue of whether the order forms should have these three explanatory boxes at the beginning of each set of orders. Those favoring the explanatory boxes contended that the inclusion of the boxes makes it clearer to the parties and law enforcement what the court has ruled. Particularly, it is much clearer that an order has been denied when a box labeled “Denied” is checked than it is merely by the failure to check an unlabeled box. In addition, some judicial officers indicated that they prefer the three check boxes because the boxes prompt them to review the requests and confirm that they have responded to every item requested.

The check boxes also address a problem relating to the modernization of the forms-generation process. In the paper world, a judicial officer could physically cross-out and initial a denied order, but he or she will not be able to do so when preparing an order electronically. The availability of the explanatory check boxes enables judicial officers to complete orders by electronic means. By checking the “denied” box, the judicial officer can indicate his or her ruling, without crossing out any text. Similarly, by checking “granted as follows:”, the court can clearly indicate that what follows is its ruling. If check boxes are not included on the forms, it will be more difficult for the judicial officer to indicate his or her ruling, particularly when a request for an order is being denied. Handwritten orders showing strikeouts would need to be physically processed and scanned into courts’ electronic records systems.

On the other hand, there were others who thought that the explanatory check boxes on the orders are unnecessary and burdensome. They preferred the previous design of the order forms that simply had a single check box at the beginning of each item that might be ordered. If the order is granted, the box would be checked; and if the order is denied, the box would not be checked. To make the denial clearer, the judicial officer may also physically cross-out an item. Those who supported this approach recommended omitting the boxes from the order forms altogether or at least from the orders after hearing.

Because it was evident that there were strong differences of opinion on the issue of whether to include the explanatory boxes on the forms, the invitation to comment expressly solicited input on this question. The options were clearly presented: the forms that were circulated included the boxes on forms used for temporary restraining orders (the 110 forms), but not on those used for orders after hearing (the 130 forms).

Three superior courts commented on the on the issue of boxes. One court opposed the boxes on the grounds that the additional boxes are unnecessary; it also thought the “Not requested” category might be confusing. (Comment 5.) On the other hand, two courts supported the boxes. The civil division managers at one court stated: “Multiple option check boxes should be included on all the order forms instead of a single check box at the beginning of each order. It is much

clearer to have check boxes to indicate whether a particular item has been granted, denied, or not requested at the beginning of each item that might be ordered by the judicial officer. With a single check box, if it is not checked, it means the order is denied which can be confusing to the parties.” (Comment 7) Another court preferred providing the multiple check box option on all order forms, including the orders after hearing. It stated that providing the multiple boxes makes certain the order is very clear, especially in courts using CCMS or a case management system that generates orders. (Comment 11.)

In response to the separate invitation to comment on the domestic violence prevention protective orders, 12 commentators expressed options about the use of boxes on the orders. Nine commentators preferred including the three explanatory boxes and three preferred having a single box before each order. A commentator suggested adding the words “...until the hearing” after “Denied” in the explanatory boxes on the temporary restraining orders so that litigants would not think that a request has been denied forever.

After considering the comments, the committee recommends including the explanatory boxes on all the temporary restraining order forms (the 110 forms). It also agreed with the suggestion to add the words “until the hearing” after “Denied” and has included those words on the forms. It did not think the “Not Requested” category is confusing and recommends retaining this explanatory box. On the other hand, the committee recommends that the orders after hearing (the 130 forms) use the earlier approach—that is, they would simply contain a single box at the beginning of each applicable order rather than three explanatory boxes. If the box is checked, that means that the order is granted; if it is not checked, it means the order is not granted. The committee did not think that it is necessary to have multiple check boxes indicating the court’s rulings on orders after hearing.¹⁸

2. Notices to law enforcement. Two courts commented on the proposal to add instructions to law enforcement to the temporary restraining orders. One court stated: “Include the instructions to law enforcement on all forms.” (Comment 11.) Another court expressed concern that including the notices might have an adverse impact on court resources, such as increasing mailing and postage costs. (Comment 10.) The committee reviewed the instructions and made some changes to standardize and shorten them. With these changes, the committee recommends

¹⁸ The committee’s recommendation regarding the inclusion of boxes on some order forms but not on others was nearly unanimous. Only one member of the committee disagreed and recommended that the explanatory boxes not be used on either the temporary restraining orders or the orders after hearing. She thought the boxes were confusing and unnecessary. On the other hand, the staff did not agree with the recommendation to omit the explanatory boxes from the orders after hearing. The decision to include the boxes on the temporary restraining orders but not on the orders after hearing appears to be based on compromise. For the reasons discussed above, staff believes that the three-box approach is superior, is needed for electronic forms generation, and should be used on the orders after hearing as well as on the temporary restraining orders. Staff does not think that there are substantive or functional reasons for treating the two kinds of orders differently.

including the instructions on all forms. The instructions, as modified, will provide useful information to law enforcement. Including the instructions would increase the number of pages on the orders by at most a page. As temporary restraining orders are generally served in person rather than by mail, the concerns about mailing and postage costs appear unwarranted. Thus, including the instructions should have benefits for enforcement of the orders with little or no adverse impacts on the courts.

Notices of new hearing dates and orders on reissuance. As part of this proposal, the committee circulated two sets of forms: 1) one set (the 115 forms) for petitioners to use to request continued court hearing dates and the reissuance of temporary restraining orders, and 2) a second set (the 116 forms) for courts to use to provide notices of new hearing dates and orders on the requests for continuances and reissuances.¹⁹ There were several comments on the 115 or 116 forms.

A commentator recommended using consistent numbering for the similar CH and DV forms. (Comment 2.) The requests and orders had been circulated as 115 and 116 forms for CH, EA, SV, and WV and as 125 and 126 forms for DV. The committee agreed that consistency is desirable. All the forms have been given 115 and 116 designations. The same commentator indicated a preference for the format of the CH-115 and CH-116 forms over the DV-125 and DV-126 forms. After reviewing all the comments, both sets of forms have been modified to be more clearly formatted and to reflect other suggestions in the comments.

In addition to the comments received concerning this protective orders forms proposal, comments were received on the proposal concerning similar domestic violence prevention forms.²⁰ Eight commentators expressed opinions and made suggestions about the new forms that would replace the current DV-125 form.²¹ Some preferred the existing DV-125 form, a combined request and order form, to the proposed new forms. The commentators also identified a number of aspects of the proposed that they found confusing. One commentator suggested that the order form, which includes the option of denial of the reissuance, should include an

¹⁹ These forms would replace the current CH-125 form for civil harassment cases and the EA-125 form for elder and dependent adult abuse cases. The 115 and 116 series would also include new forms for postsecondary school violence and workplace violence prevention cases, which currently do not have any forms specifically for these purposes.

²⁰ The somewhat similar domestic violence prevention forms were separately circulated as forms DV-125 and DV-126. These domestic violence prevention forms included fewer items than the 115 and 116 forms, but added sets of instructions that were taken from an information form that would be revoked. The circulated version of the DV-125 form was designed to be filed by a petitioner, but it included an option (“the person to be restrained has asked me for time to hire a lawyer or to prepare a response”) that was not included on the 116 forms that were circulated. The option is not included on the final set of 115 forms recommended in this report.

²¹ The DV-115 and DV-116 forms, which were circulated as DV-125 and DV-126, will be renumbered to be consistent with the other protective order forms.

explanation for the denial like the 109 forms. Another suggested it would be helpful to change the form title.

The alternatives were carefully considered. The committee recommends the adoption of two separate forms, but with modifications from the versions that were circulated. The titles of the forms would be changed make their purposes clearer. Based on the comments, a number of other changes would be made to improve the forms.

The 115 forms would be titled *Request to Continue Court Hearing and to Reissue Temporary Restraining Order*. These would be simple, one-page forms to be used by petitioners to ask for a continuation of the scheduled hearing date and the reissuance of the temporary protective order until the continued hearing date. In item 3, the grounds for the request would be modified to include not only the option “I could not get the order served before the hearing date,” but also an “other” option.

The 116 forms would be titled *Notice of New Hearing Date and Order on Reissuance*. These forms would be used by the court for ordering new hearing dates and for reissuing temporary restraining orders. The use of these forms would not be limited to issuing orders in response to requests made on the 115 forms. The 116 forms would also be used to continue a hearing date at the request of a respondent or on the court’s own motion.

The 116 forms are designed to be the first in the set of documents that will served on unserved respondents. To effectuate this purpose, a box with the new hearing date has been located prominently on the first page of each form. These forms also state whether the temporary restraining order has been reissued. If so, the forms indicate that a copy of the *Temporary Restraining Order* that has been reissued should be attached. The 116 forms have been modified, at the suggestion of a commentator, to include a place where the judge can explain the reasons for denial of a request for reissuance. This is similar to the place on the 109 forms where the judge can explain the reasons for the denial of the temporary restraining orders.

The committee considered, but did not agree with, the suggestions to continue using the older combined request-and-order forms or to combine the 115 and 116 forms into a single form. The older forms do not have some of the information required by AB 1596. Also, as just explained, the 115 and 116 forms have a different scope and purpose. While the 115 request forms are designed for use only by petitioners to request orders, the 116 forms can also be used to issue orders requested by petitioners or respondents or orders initiated by the court. The 116 orders are also designed to be separate so that they can be served on unserved parties with all the other documents attached and the new notice of hearing date prominently displayed; this purpose would be defeated if the notice of hearing and orders were buried towards the end of a combined request-and-order form.

Another reason not to use combined request-and-order forms is that such forms would not work for e-filing. For e-filing purposes, the request forms need to be free-standing and filed electronically separately from the resulting orders. After a request has been received and filed, the court will review the request and issue an order in response. Although e-filing is only available to a limited extent at this time, it is desirable that Judicial Council protective order forms be designed so that they will permit e-filing as soon as it is available rather than prevent it. So-called “hybrid” forms, those in which part of the form is to be filled out by the person requesting relief and the relief is either granted or denied by the court on the same form, also will not work in other electronic forms processes besides e-filing. Electronic document management and generation systems require separate forms; one from the applicant that comes into the system, and a different one for the court that goes out of the system.

One committee member who supported a combined request-and-order form suggested an alternative combined form that, in the request portion of the form, would have added a place for the respondent as well as the petitioner to make a request for a continuance. This change would partly address the problem with the combined form having a request form that is narrower than the order. But it would not result in a form that courts could use to issue orders on its own. Nor would it address the other concerns about a combined form discussed above. Hence, separate 115 (request) and 116 (order) forms are recommended.

Alternatives Considered

As described above, the committee thoroughly reviewed the comments and suggestions about particular protective order forms, considered alternative ways of revising the forms, and recommended many specific changes as a result. The committee did not consider the alternatives of (1) recommending no forms at all, (2) not revising the current forms, or (3) delaying the implementation of this forms proposal, for the following reasons.

First, the Judicial Council is under a legal duty to provide forms to implement the protective order statutes.²² It has carried out this obligation by developing the new and revised protective order forms described in this report and in the separate report on the forms used in domestic violence prevention proceedings.

Second, the revision of Judicial Council protective order forms is necessary so that these forms will be consistent with the law under AB 1596. The alternative of not revising the forms as proposed in this report would result in forms being used in protective order proceedings that would be inconsistent with the new and amended statutes. This is not legally permissible; nor would it be practical or desirable. The numerous new and modified provisions in the forms

²² See Code Civ. Proc., §§ 527.6(v)(1); 527.8(u)(1), and 527.85(u)(1); Welf. & Inst. Code, § 15657.03(w). (The citations are to the code sections effective January 1, 2012).

submitted with this report are essential for the new procedures on protective orders to be fully and effectively carried out.²³

Third, the alternative of delaying the implementation of this proposal is not a viable option. The new and revised forms need to be available effective January 1, 2012, so that they will be consistent with the law on protective orders.

Policy implications

This proposal implements the provisions in the new and amended statutes on protective orders under AB 1596. It will also create greater consistency among the protective order forms and make the forms easier to use by petitioners, respondents, courts, and law enforcement. The proposal continues the policy of making plain-language Judicial Council forms available for the benefit of the public, especially self-represented litigants. Thus, the proposal advances the Judicial Council's goals of providing access to the courts, modernizing management and administration, and improving the quality of justice and service to the public. (Judicial Council's Strategic Goals I, II, and IV.)

Implementation Requirements, Costs, and Operational Impacts

The new legislation and the new and revised forms that reflect it will require some implementation by the courts and impose some costs, as described below. These developments should also result in some savings and benefits to the courts and the public.

By January 1, 2012, when the new laws go into effect, the Administrative Office of the Courts will have prepared all the new and revised protective order forms recommended in this report and made them available online at no cost to the courts and the public. Courts will continue to assist the public to obtain the revised and new protective order forms. However, they will be able to direct the public to the forms available online for free on the California Court Website (www.courts.ca.gov/forms). To help the public, courts may also make the forms available at the courthouse. Courts may charge a reasonable fee to members of the public for printing out the forms at a court computer terminal²⁴ and for providing forms, packets of forms, information

²³ Some of the specific changes recommended in this report to be made to the protective order forms—such as the renumbering of some forms for consistency, improving and standardizing captions, clarifying and harmonizing the language used, and creating a consolidated *Confidential CLETS Information* form—may not be strictly required by AB 1596 but are important for other compelling reasons. These additional changes will result in significantly greater consistency among all the forms. Producing such consistency was a major goal of the long-term project to improve the law and forms relating to protective orders that was initiated a number of years ago. The changes made to the forms proposed in this report should save time and ease the workloads of courts and litigants. They should improve access to justice for persons seeking protection from violence, harassment, and abuse through court orders. And they should help improve the enforceability of the orders issued by the courts.

²⁴ See Government Code section 68150(l).

materials, and pamphlets.²⁵ Thus, courts should not incur significant costs in making the forms described in this report²⁶ available to the public.

To implement AB 1596 and the related forms will require some changes in court operations. Courts will need to update their case management systems to reflect the new statutory changes. These changes should also result in benefits: they will create greater standardization and harmonization of procedures and practices for all types of protective orders. The new and revised forms should make it easier to implement the statutory changes because the forms have been thoroughly revised to specifically carry out the legislation: they contain detailed instructions and information for litigants, courts, and law enforcement that should make court operations easier and more consistent.

To the extent a court's case management system incorporates Judicial Council protective order forms, the new and revised forms will need to be integrated into the court's system. Some of the revisions to the forms (for example, making sure that all the information provided in the address blocks in the captions is broken into fields) should make it possible for the first time to integrate into courts' systems Judicial Council forms that previously had not been designed to be used in modern case management systems.

Finally, as in the past, courts will continue to need to provide training for judicial officers and court staff on the handling requests for protective orders. This will include training on the new laws and forms. Previously, the inconsistencies in the laws concerning protective orders and resultant variations among the forms made training challenging. The greater consistency in the laws and among the forms relating to protective orders after January 1, 2012 should make this task easier and less burdensome.

Attachments:

1. Charts on current and proposed Civil Harassment and Elder and Dependent Adult Abuse forms, at pages 24–25
2. Revised, revised and renumbered, adopted, and revoked forms, at pages 26–221
3. List of commentators, page 222
4. Chart of comments and responses, at pages 223–268

²⁵ See Cal. Rules of Court, rule 10.815(b)(1)–(4).

²⁶ In domestic violence proceedings, there are statutes requiring the courts to provide Judicial Council forms at no cost. (See Family Code, § 6387.)

Charts on Current and Proposed Forms

Civil Harassment Prevention Forms		
Title (titles effective January 1, 2012)	Revised #	Previous #
Request for Civil Harassment Restraining Orders	CH-100	CH-100
Can a Civil Harassment Restraining Order Help Me?	CH-100- INFO	CH-150
Confidential CLETS Information	CLETS-001	DV-260/ CH-102/ EA-102/ JV-248
Notice of Court Hearing	CH-109	CH-120
Temporary Restraining Order	CH-110	CH-120
Request to Continue Court Hearing and to Reissue Temporary Restraining Order	CH-115	CH-125
Notice of New Hearing Date and Order on Reissuance	CH-116	NONE
Response to Request for Civil Harassment Restraining Orders	CH-120	CH-110
How Can I Respond to a Request for Civil Harassment Restraining Orders?	CH-120- INFO	CH-151
Civil Harassment Restraining Order After Hearing	CH-130	CH-140
Proof of Personal Service	CH-200	CH-130
What is "Proof of Personal Service?"	CH-200- INFO	CH-135
Proof of Service of Response by Mail	CH-250	CH-131
Proof of Service of Order After Hearing by Mail	CH-260	NONE
Request to Renew Restraining Order	CH-700	NONE
Notice of Hearing to Renew Restraining Order	CH-710	NONE
Response to Request to Renew Restraining Order	CH-720	NONE
Order Renewing Civil Harassment Restraining Order	CH-730	NONE
Proof of Firearms Turned In or Sold	CH-800	CH-145
How Do I Turn In or Sell My Firearms?	CH-800- INFO	NONE

Elder and Dependent Adult Abuse Prevention Forms		
Title (titles effective January 1, 2012)	Revised #	Previous #
Request for Elder or Dependent Adult Abuse Restraining Orders	EA-100	EA-100
Can a Restraining Order to Prevent Elder or Dependent Adult Abuse Help Me?	EA-100-INFO	EA-150-INFO
Confidential CLETS Information	CLETS-001	DV-260/CH-102/EA-102/JV-248
Notice of Court Hearing	EA-109	EA-120
Temporary Restraining Order	EA-110	EA-120
Request to Continue Court Hearing and to Reissue Temporary Restraining Order	EA-115	EA-125
Notice of New Hearing Date and Order on Reissuance	EA-116	NONE
Response to Request for Elder or Dependent Adult Abuse Restraining Orders	EA-120	EA-110
How Can I Respond to a Request for Elder or Dependent Adult Abuse Restraining Orders?	EA-120-INFO	EA-151-INFO
Elder or Dependent Adult Abuse Restraining Order After Hearing	EA-130	EA-130
Proof of Personal Service	EA-200	EA-140
What is "Proof of Personal Service?"	EA-200-INFO	EA-142-INFO
Proof of Service of Response by Mail	EA-250	EA-141
Proof of Service of Order After Hearing by Mail	EA-260	NONE
Request to Renew Restraining Order	EA-700	NONE
Notice of Hearing to Renew Restraining Order	EA-710	NONE
Response to Request to Renew Restraining Order	EA-720	NONE
Order Renewing Elder or Dependent Adult Abuse Restraining Order	EA-730	NONE
Proof of Firearms Turned In or Sold	EA-800	EA-145
How Do I Turn In or Sell My Firearms?	EA-800-INFO	NONE

Read *Can a Civil Harassment Restraining Order Help Me? (Form CH-100-INFO)* before completing this form. Also fill out Confidential CLETS Information (Form CLETS-001), with as much information as you know.

Clerk stamps date here when form is filed.

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

Court fills in case number when form is filed.
Case Number:

1 Person Seeking Protection

a. Your Full Name: _____ Age: _____
Your Lawyer (if you have one for this case):
Name: _____ State Bar No.: _____
Firm Name: _____
b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.):
Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____
E-Mail Address: _____

2 Person From Whom Protection Is Sought

Full Name: _____ Age: _____
Address (if known): _____
City: _____ State: _____ Zip: _____

3 Additional Protected Persons

a. Are you asking for protection for any other family or household members? Yes No *If yes, list them:*

Full Name	Sex	Age	Lives with you?	How are they related to you?
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

Check here if there are more persons. Attach a sheet of paper and write "Attachment 3a—Additional Protected Persons" for a title. You may use Form MC-025, Attachment.

b. Why do these people need protection? (Explain below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 3b—Why Others Need Protection" for a title.

This is not a Court Order.



4 Relationship of Parties

How do you know the person in (2)? (Explain below):

- Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 4—Relationship of Parties" for a title.

5 Venue

Why are you filing in this county? (Check all that apply):

- a. The person in (2) lives in this county.
- b. I was harassed by the person in (2) in this county.
- c. Other (specify): _____

6 Other Court Cases

a. Have you or any of the persons named in (3) been involved in another court case with the person in (2)?

- No Yes If yes, check each kind of case and indicate where and when each was filed:

	Kind of Case	Filed in (County/State)	Year Filed	Case Number (if known)
(1)	<input type="checkbox"/> Civil Harassment	_____	_____	_____
(2)	<input type="checkbox"/> Domestic Violence	_____	_____	_____
(3)	<input type="checkbox"/> Divorce, Nullity, Legal Separation	_____	_____	_____
(4)	<input type="checkbox"/> Paternity, Parentage, Child Custody	_____	_____	_____
(5)	<input type="checkbox"/> Elder or Dependent Adult Abuse	_____	_____	_____
(6)	<input type="checkbox"/> Eviction	_____	_____	_____
(7)	<input type="checkbox"/> Guardianship	_____	_____	_____
(8)	<input type="checkbox"/> Workplace Violence	_____	_____	_____
(9)	<input type="checkbox"/> Small Claims	_____	_____	_____
(10)	<input type="checkbox"/> Criminal	_____	_____	_____
(11)	<input type="checkbox"/> Other (specify): _____	_____	_____	_____

b. Are there now any protective or restraining orders in effect relating to you or any of the persons in (3) and the person in (2)? No Yes If yes, attach a copy if you have one.

7 Description of Harassment

Harassment means violence or threats of violence against you, or a course of conduct that seriously alarmed, annoyed, or harassed you and caused you substantial emotional distress. A course of conduct is more than one act.

a. Tell the court about the last time the person in (2) harassed you.

- (1) When did it happen? (provide date or estimated date): _____
- (2) Who else was there?

This is not a Court Order.



(3) How did the person in ② harass you? (Explain below):

- Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 7a(3)—Describe Harassment" for a title.

(4) Did the person in ② use or threaten to use a gun or any other weapon?

- Yes No (If yes, explain below):

- Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 7a(4)—Use of Weapons" for a title.

(5) Were you harmed or injured because of the harassment?

- Yes No (If yes, explain below):

- Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 7a(5)—Harm or Injury" for a title.

(6) Did the police come? Yes No

If yes, did they give you or the person in ② an Emergency Protective Order? Yes No

If yes, the order protects (check all that apply):

- a. Me b. The person in ② c. The persons in ③

Attach a copy of the order if you have one.

b. Has the person in ② harassed you at other times?

- Yes No (If yes, describe prior incidents and provide dates of harassment below):

- Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 7b—Previous Harassment" for a title.

This is not a Court Order.



Check the orders you want.

8 Personal Conduct Orders

I ask the court to order the person in **(2)** not to do any of the following things to me or to any person to be protected listed in **(3)**:

- a. Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
- b. 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 e-mail, by text message, by fax, or by other electronic means.
- c. Other *specify*):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 8c—Other Personal Conduct Orders," for a title.

The person in **(2)** will be ordered not to take any action to get the addresses or locations of any protected person unless the court finds good cause not to make the order.

9 Stay-Away Orders

a. I ask the court to order the person in **(2)** to stay at least _____ yards away from (check all that apply):

- (1) Me
- (2) The other persons listed in **(3)**
- (3) My home
- (4) My job or workplace
- (5) My school
- (6) My children's school
- (7) My children's place of child care
- (8) My vehicle
- (9) Other *specify*): _____

b. If the court orders the person in **(2)** to stay away from all the places listed above, will he or she still be able to get to his or her home, school, or job? Yes No (If no, explain below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 9b—Stay-Away Orders," for a title.

10 Guns or Other Firearms and Ammunition

Does the person in **(2)** own or possess any guns or other firearms? Yes No I don't know

If the judge grants a protective order, the person in **(2)** will be prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive a gun, other firearm, and ammunition while the protective order is in effect. The person in **(2)** will also be ordered to turn in to law enforcement or sell to a gun dealer any guns or firearms within his or her immediate possession or control.

This is not a Court Order.



11 Immediate Orders

Do you want the court to make any of these orders now that will last until the hearing without notice to the person in ②? Yes No (If you answered yes, explain why below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 11—Immediate Orders" for a title.

12 Request to Give Less Than Five Days' Notice

You must have your papers personally served on the person in ② at least five days before the hearing, unless the court orders a shorter time for service. (Form CH-200-INFO explains What Is "Proof of Personal Service"? Form CH-200, Proof of Personal Service, may be used to show the court that the papers have been served.)

If you want there to be fewer than five days between service and the hearing, explain why below:

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 12—Request to Give Less Than Five-Days Notice" for a title.

13 No Fee for Filing or Service

- a. There should be no filing fee because the person in ② has used or threatened to use violence against me, has stalked me, or has acted or spoken in some other way that makes me reasonably fear violence.
- b. The sheriff or marshal should serve (notify) the person in ② about the orders for free because my request for orders is based on unlawful violence, a credible threat of violence, or stalking.
- c. There should be no filing fee and the sheriff or marshal should serve the person in ② for free because I am entitled to a fee waiver. (You must complete and file Form FW-001, Application for Waiver of Court Fees and Costs.)

14 Lawyer's Fees and Costs

I ask the court to order payment of my: a. Lawyer's fees b. Court costs

The amounts requested are:

<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

Check here if there are more items. Put the items and amounts on the attached sheet of paper or Form MC-025 and write "Attachment 14—Lawyer's Fees and Costs" for a title.

This is not a Court Order.

15 **Additional Orders Requested**

I ask the court to make the following additional orders (*specify*):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 15—Additional Orders Requested," for a title.

Multiple horizontal lines for writing additional orders.

16 Number of pages attached to this form, if any: _____

Date: _____

Lawyer's name (if any)

▶ _____
Lawyer's signature

I declare under penalty of perjury under the laws of the State of California that the information above and on all attachments is true and correct.

Date: _____

Type or print your name

▶ _____
Sign your name

This is not a Court Order.

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 civil harassment restraining order?

It is a court order that helps protect people from harassment.

Can I get a civil harassment restraining order?

You can ask for one if you are worried about your safety because someone:

- Is harassing you
- Is stalking you
- Has committed acts of violence against you, or
- Has threatened you with violence

How will the order help me?

The court can order a person to:

- Not harass or threaten you
- Not contact or go near you, *and*
- Not have a gun

You can also ask for protection for people who live with you and family members.

In a civil harassment case, the court cannot:

- Order a person to move out of your residence
- Order a person to pay child support to you
- Make orders for custody and visitation

If you need these orders, you should proceed under the Domestic Violence Protection Act. File Form DV-100.

The court also cannot:

- Order a person to pay money that he or she owes you
- Order someone to move out of rental property that you own
- Order someone to stop creating a nuisance that doesn't involve harassment

If you need these remedies, you must file a civil action.

How much does it cost?

That depends on the type of harassment. If the restrained person has used or threatened to use violence against you or has stalked you, you do not have to pay a filing fee; otherwise, you must pay the fee.

If you cannot afford to pay the filing fee, ask the clerk how to apply for a fee waiver. Form FW-001 is available for this purpose.

If the order is based on prior acts of violence, a credible threat of violence, or stalking, you are entitled to free service of the order by a sheriff or marshal. Also, if you are eligible for a fee waiver, you can ask the sheriff or marshal to serve the order for free. If you are not eligible for free service, you may pay the sheriff or marshal to serve the order.

What forms do I need to get the order?

You must fill out all of Form CH-100, *Request for Civil Harassment Restraining Orders*, and Form CLETS-001, *Confidential CLETS Information*. If you need attachments, you may use Form MC-025. You must also fill out items 1 and 2 on Form CH-109, *Notice of Court Hearing*, and items 1, 2, and 3 on Form CH-110, *Temporary Restraining Order (CLETS)*.

Where can I get these forms?

You can get the forms from legal publishers or on the Internet at www.courts.ca.gov. You also may be able to find them at your local courthouse or county law library.

What do I need to do to get the order?

You must go to the superior court in the county where the harassment took place or the person to be restrained lives. At the court, ask where you should file your request for a civil harassment restraining order. (A self-help center or legal aid association may be able to assist you in filing your request.)

At the court, give your forms to the clerk of the court. The clerk will give you a hearing date on the *Notice of Court Hearing* form, and if your request for immediate orders is granted, a copy of the *Temporary Restraining Order* signed by a judicial officer.

How soon can I get the order?

If you ask for a temporary restraining order, the court will decide within 24 hours whether or not to make the order. Sometimes the court decides sooner. Ask whether you should wait or come back later to get the signed *Notice of Court Hearing* and *Temporary Restraining Order*.

How long does the order last?

If the court makes a temporary order, it will last until your hearing date. At that time, the court will decide to continue or cancel the order. The order could last for up to three years.

How will the person to be restrained know about the order?

Someone age 18 or older—**not you** or anyone else to be protected by the order—must “serve” (give) the person to be restrained a copy of the order. The server must then fill out Form CH-200, *Proof of Personal Service*, and give it to you to file with the court. For help with service, ask the court clerk for Form CH-200-INFO, What Is “Proof of Personal Service?”.

What if the restrained person does not obey the order?

Call the police. The restrained person can be arrested and charged with a crime.

Do I have to go to court?

Yes. Go to court on the date the clerk gives you.

Do I need to bring a witness to the court hearing?

Witnesses are not required, but it helps to have more proof of the harassment than just your word. You can bring:

- Witnesses
- Written statements from witnesses made under oath
- Photos
- Medical or police reports
- Damaged property
- Threatening letters, e-mails, 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*, for this.)

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 restrained person at the court hearing?

If the person comes to the hearing, yes. But that person does not have the right to speak to you. If you are afraid, tell the court officer.

Can I bring someone with me to court?

Yes. You can bring someone to sit with you during the hearing. But that person cannot speak for you in court. Only you or your lawyer (if you have one) can speak for you.

CH-109

Notice of Court Hearing

Clerk stamps date here when form is filed.

1 Person Seeking Protection

a. Your Full Name: _____

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

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

 Court files in case number when form is filed:
 Case Number: _____

2 Person From Whom Protection Is Sought

Full Name: _____

The court will complete the rest of this form.

3 Notice of Hearing

A court hearing is scheduled on the request for restraining orders against the person in **(2)**:

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

4 Temporary Restraining Orders (Any orders granted are on Form CH-110, served with this notice.)

a. Temporary Restraining Orders for personal conduct and stay-away orders as requested in Form CH-100, Request for Civil Harassment 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, www.courts.ca.gov
 New January 1, 2012, Mandatory Form
 Code of Civil Procedure, § 527.8
 Approved by DOJ

Notice of Court Hearing
(Civil Harassment Prevention)

CH-109, Page 1 of 3



What if I am deaf or hard of hearing?

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons with Disabilities and Response* (Form MC-410). (Civ.Code, § 54.8.)

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 may have to pay a fee for the interpreter. If an interpreter is not available for your court date, you should ask someone who is not listed as a person to be protected on your Request and who is over age 18 to interpret for you.

Can I agree with the restrained person to cancel the order?

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

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed:

Case Number:

1 Person Seeking Protection

a. Your Full Name: _____

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

2 Person From Whom Protection Is Sought

Full Name: _____

The court will complete the rest of this form.

3 Notice of Hearing

A court hearing is scheduled on the request for restraining orders against the person in 2 :

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

4 Temporary Restraining Orders (Any orders granted are on Form CH-110, served with this notice.)

a. Temporary Restraining Orders for personal conduct and stay-away orders as requested in Form CH-100, Request for Civil Harassment 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.)



b. Reasons for denial of some or all of those personal conduct and stay-away orders as requested in Form CH-100, *Request for Civil Harassment Restraining Orders*, are:

- (1) The facts as stated in Form CH-100 do not sufficiently show acts of violence, threats of violence, or a course of conduct that seriously alarmed, annoyed, or harassed the person in ① and caused substantial emotional distress.
- (2) Other (*specify*): As set forth on Attachment 4b.

⑤ Service of Documents by The Person in ①

At least five _____ days before the hearing, someone age 18 or older—not you or anyone to be protected—must personally give (serve) a court file-stamped copy of this Form CH-109, *Notice of Court Hearing*, to the person in ② along with a copy of all the forms indicated below:

- a. CH-100, *Request for Civil Harassment Restraining Orders* (file-stamped)
- b. CH-110, *Temporary Restraining Order* (file-stamped) **IF GRANTED**
- c. CH-120, *Response to Request for Civil Harassment Restraining Orders* (blank form)
- d. CH-120-INFO, *How Can I Respond to a Request for Civil Harassment Restraining Orders?*
- e. CH-250, *Proof of Service of Response by Mail* (blank form)
- f. Other (*specify*): _____

Date: _____

Judicial Officer

To the Person in ①:

- The court cannot make the restraining orders after the court hearing unless the person in ② has been personally given (served) a copy of your request and any temporary orders. To show that the person in ② has been served, the person who served the forms must fill out a proof of service form. Form CH-200, *Proof of Personal Service*, may be used.
- For information about service, read Form CH-200-INFO, *What Is “Proof of Personal Service”?*
- If you are unable to serve the person in ② in time, you may ask for more time to serve the documents. Use Form CH-115, *Request to Continue Court Hearing and to Reissue Temporary Restraining Order*.



To the Person in ② :

- If you want to respond to the request for orders in writing, file Form CH-120, *Response to Request for Civil Harassment Restraining Orders*, and have someone age 18 or older—**not you or anyone to be protected**—mail it to the person in ① .
- The person who mailed the form must fill out a proof of service form. Form CH-250, *Proof of Service of Response by Mail*, may be used. File the completed form with the court before the hearing and bring a copy with you to the court hearing.
- Whether or not you respond in writing, go to the hearing if you want the judge to hear from you before making an order. You may tell the judge why you agree or disagree with the orders requested.
- You may bring witnesses and other evidence.
- **At the hearing, the judge may make restraining orders against you that could last up to three years and may order you to sell or turn in any firearms that you own or possess.**



Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk’s office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons with Disabilities and Response* (Form MC-410). (Civ. Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk’s Certificate—

I certify that this *Notice of Court Hearing* is a true and correct copy of the original on file in the court.

Clerk’s Certificate

[seal]

Date: _____

Clerk, by _____, Deputy

Clerk stamps date here when form is filed.

Person in ① must complete items ①, ②, and ③ only.

① Protected Person

- a. Your Full Name: _____
 Your Lawyer (if you have one for this case):
 Name: _____ State Bar No.: _____
 Firm Name: _____
- b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.):
 Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____ Fax: _____
 E-Mail Address: _____

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 Restrained Person

Full Name: _____
Description:

Sex: M F Height: _____ Weight: _____ Date of Birth: _____
 Hair Color: _____ Eye Color: _____ Age: _____ Race: _____
 Home Address (if known): _____
 City: _____ State: _____ Zip: _____
 Relationship to Protected Person: _____

③ Additional Protected Persons

In addition to the person named in ①, the following family or household members of that person are protected by the temporary orders indicated below:

Full Name	Sex	Age	Household Member?	Relation to Protected Person
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

Check here if there are additional protected persons. List them on an attached sheet of paper and write "Attachment 3—Additional Protected Persons" as a title. You may use Form MC-025, Attachment.

The court will complete the rest of this form.

④ Expiration Date

This Order expires at the end of the hearing scheduled for the date and time below:

Date: _____ Time: _____ a.m. p.m.

This is a Court Order.

To the Person in ② :

The court has granted the temporary orders checked as granted 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.

5 Personal Conduct Orders

Not Requested Denied Until the Hearing Granted as Follows:

- a. You must **not** do the following things to the person named in ①
- and to the other protected persons listed in ③ :
 - (1) Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
 - (2) 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 e-mail, by text message, by fax, or by other electronic means.
 - (3) Take any action to obtain the person's address or location. If this item ③ is not checked, the court has found good cause not to make this order.
 - (4) Other (*specify*):
 - Other personal conduct orders are attached at the end of this Order on Attachment 5a(4).

- 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. However, you may have your papers served by mail on the person in ①.

6 Stay-Away Order

Not Requested Denied Until the Hearing Granted as Follows:

- a. You must stay at least _____ yards away from (*check all that apply*):
- (1) The person in ①
 - (2) Each person in ③
 - (3) The home of the person in ①
 - (4) The job or workplace of the person in ①
 - (5) The school of the children of the person in ①
 - (6) The place of child care of the children of the person in ①
 - (7) The vehicle of the person in ①
 - (8) Other (*specify*): _____

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

7 No Guns or Other Firearms and Ammunition

- a. You 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. You must:
- (1) Sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms in your immediate possession or control. This must be done within 24 hours of being served with this Order.

This is a Court Order.



- (2) File a receipt with the court within 48 hours of receiving this Order that proves that your guns or firearms have been turned in or sold. *(You may use Form CH-800, Proof of Firearms Turned In or Sold, for the receipt.)*
- c. The court has received information that you own or possess a firearm.

Other Orders

8

- Not Requested** **Denied Until the Hearing** **Granted as Follows** *(specify):*

- Additional orders are attached at the end of this Order on Attachment 8.

To the Person in 1 :

9

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 person in 1 or his or her 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 9.

10

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 unlawful violence, a credible threat of violence, or stalking.
- b. The person in 1 is entitled to a fee waiver.

11

Number of pages attached to this Order, if any: _____

Date: _____

Judicial Officer

This is a Court Order.



Warnings and Notices to the Restrained Person in ②

You Cannot Have Guns or Firearms

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this 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 as stated in item ⑦ above. The court will require you to prove that you did so.

Notice Regarding Nonappearance at Hearing and Service of Order

If you have been personally served with this Temporary Restraining Order and Form CH-109, *Notice of Court Hearing*, but you do not appear at the hearing either in person or by a lawyer, and a restraining order that is the same as this Temporary Restraining Order except for the expiration date is issued at the hearing, a copy of the order will be served on you by mail at the address in item ②.

If this address is not correct or you wish to verify that the Temporary Restraining Order was converted into a restraining order at the hearing without substantive change, or to find out the duration of the order, contact the clerk of the court.

After You Have Been Served With a Restraining Order

- Obey all the orders.
- Read Form CH-120-INFO, *How Can I Respond to a Request for Civil Harassment Restraining Orders?*, to learn how to respond to this Order.
- If you want to respond, fill out Form CH-120, *Response to Request for Civil Harassment Restraining Orders*, and file it with the court clerk. You do not have to pay any fee to file your response if the Request claims that you inflicted or threatened violence against or stalked the person in ①.
- You must have Form CH-120 served by mail on the person in ① or that person's attorney. You cannot do this yourself. The person who does the mailing should complete and sign Form CH-250, *Proof of Service of Response by Mail*. File the completed proof of service with the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and have declarations served, signed by you and other persons who have personal knowledge of the facts. You may use Form MC-030, *Declaration*, for this purpose. It is available from the clerk's office at the court shown on page 1 of this form or at www.courts.ca.gov/forms. If you do not know how to prepare a declaration, you should see a lawyer.
- Whether or not you file a response, you should attend the hearing. If you have any witnesses, they must also go to the hearing.
- At the hearing, the judge can make restraining orders against you that last for up to three years. Tell the judge why you disagree with the orders requested.

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 Orders System (CARPOS). If the law enforcement agency has not received proof of service on the restrained person, 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.

This is a Court Order.

Temporary Restraining Order (CLETS-TCH)
(Civil Harassment Prevention)

CH-110, Page 4 of 5



Start Date and End Date of Orders

This order *starts* on the date next to the judge’s signature on page 3. The order *ends* on the expiration date in item ④ on page 1.

Arrest Required if Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6. Agencies are encouraged to enter violation messages into CARPOS.

Notice/Proof of Service

The law enforcement agency must first determine if the restrained person had notice of the order. Consider the restrained person “served” (given notice) if (Pen. Code, § 836(c)(2)):

- The officer sees a copy of the Proof of Service or confirms that the Proof of Service is on file; or
- The restrained person was informed of the order by an officer.

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the restrained person cannot be verified, the agency must advise the restrained person of the terms of the order and then enforce it.

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 order can be changed only by another court order. (Pen. Code, § 13710(b).)

Conflicting Orders

A protective order issued in a criminal case on Form CR-161 takes precedence in enforcement over any conflicting civil court order. (Pen. Code, § 136.2(e)(2).) Any nonconflicting terms of the civil restraining order remain in full force. An *Emergency Protective Order* (Form EPO-001) that is in effect between the same parties and is more restrictive than other restraining orders takes precedence over all other restraining orders. (Pen. Code, § 136.2.)

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk’s Certificate
[seal]

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

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

**Request to Continue Court Hearing
and to Reissue Temporary
Restraining Order**

Clerk stamps date here when form is filed.

1 Person Seeking Protection

a. Your Full Name: _____

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

2 Person From Whom Protection Is Sought

Full Name: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

3 Request to Continue Hearing and to Reissue Temporary Restraining Order

I ask the court to continue the hearing currently scheduled for (date): _____
and to reissue the attached *Temporary Restraining Order* (Form CH-110).

a. The attached order was issued on (date): _____ without notice to the person in **2**.

b. I request that the Temporary Restraining Order be reissued because (check one or both):

(1) I could not get the order served before the hearing date

(2) Other

for the reasons stated below on Attachment 3b

c. (1) This is the first request to reissue the Order.

(2) The Order has been previously reissued _____ times.

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

Date: _____

Type or print your name

▶ _____
Sign your name

This is not a Court Order.

Clerk stamps date here when form is filed.

1 Person Seeking Protection

a. Your Full Name: _____

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

2 Person From Whom Protection Is Sought

Full Name: _____

3 New Hearing Date

a. A hearing in this case is currently set for (date): _____ at (time): _____

b. The court orders a new hearing date:

- (1) at the request of the person seeking protection
- (2) at the request of the person from whom protection is sought
- (3) in its discretion

c. Because:

- (1) the person in ② could not be served before the current hearing date.
- (2) the parties have agreed to postpone the hearing and ask for a new hearing date.
- (3) for the reasons stated below on Attachment 3c

4 Order for Continuance and Notice of Hearing

The court hearing on the *Request for Civil Harassment Restraining Orders (Form CH-100)* is continued and rescheduled:

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

This is a Court Order.



5 Reissuance of Temporary Restraining Order

- a. No temporary restraining order was issued in this case.
b. The request to reissue the temporary restraining order is GRANTED. The attached Temporary Restraining Order (Form CH-110) is reissued.
c. The request to reissue the temporary restraining order is DENIED.
for the reasons stated below on Attachment 5c

Multiple horizontal lines for providing reasons for denial.

Warning and Notice to the Person in 2 :

If the request to reissue the Temporary Restraining Order is GRANTED in 5b, you must continue to obey the attached Temporary Restraining Order until the end of the hearing scheduled in 4.

6 Expiration Date

If 5b is checked, the attached Temporary Restraining Order expires at the end of the hearing scheduled in 4.

7 Service of Order

- a. A copy of this Order must be served by the requesting party on the other party at least ___ days before the hearing, along with the other documents requesting civil harassment restraining orders. If reissuance is denied in item 5c, a copy of the Temporary Restraining Order (Form CH-110) must NOT be attached and served.
b. No further service of this Order is required because both parties were present at the initial hearing date in item 3a, and both were given a signed copy of this Order.
c. The court will serve a copy of this Order on the parties.

8 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 unlawful violence, a credible threat of violence, or stalking.
b. The person requesting the Order is entitled to a fee waiver.

This is a Court Order.

9 Entry of Order Into CARPOS Through CLETS

If the Temporary Restraining Order has been reissued (item 5b is checked), 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 person in **1** or that person'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 in Attachment 9.

Date: _____

Judicial Officer



Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office for *Request for Accommodations by Persons with Disabilities and Response* (Form MC-410). (Civ. Code, § 54.8)

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate
[seal]

I certify that this *Notice of New Hearing Date and Order on Reissuance* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

Clerk stamps date here when form is filed.

1 Name of person asking for protection:

Address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):

City: _____ State: _____ Zip: _____

Your telephone number (optional): (_____) _____

Your lawyer (if you have one): (Name, address, telephone number, and State Bar number): _____

Fill in court name and street address:

Superior Court of California, County of

2 Name of person to be restrained:

Description of that person:

Sex: M F Height: _____ Weight: _____ Race: _____

Hair Color: _____ Eye Color: _____ Date of Birth: _____

Home Address (if known): _____

City: _____ State: _____ Zip: _____

Work Address (if known): _____

City: _____ State: _____ Zip: _____

Court file in case number when form is filed.

Case Number:

3 **Notice of Hearing**

A court hearing is scheduled on the request for orders against you to stop harassment:

Name and address of court if different from above:

**Hearing
Date** →

Date: _____ Time: _____

Dept.: _____ Rm.: _____

If you do not want the court to make orders against you, file Form CH-110. Then go to the hearing and tell the court why you disagree. You may bring witnesses and other evidence. If you do not go to this hearing, the court may make restraining orders against you that could last up to 3 years.

4 **Court Orders**

The court (check a or b):

a. Has scheduled the hearing stated in **3**. No orders are issued against you at this time.

b. Has scheduled the hearing stated in **3** and has issued the temporary orders against you specified on page 2. If you do not obey these orders, you can be arrested and charged with a crime. And you may have to go to jail, pay a fine of up to \$1,000, or both.

This is a Court Order.



Your name: _____

Temporary Orders Against the Restrained Person

(Write the name of the person in ②): _____

The court has made the temporary orders indicated below against you. You must obey all these orders. These orders will expire on the date of the hearing listed in ③ unless they are extended by the court.

5 **Personal Conduct Orders**

You must **not** do the following things to the people listed in ① and ⑩:

- a. Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, destroy personal property, keep under surveillance, or block movements.
- b. Contact (directly or indirectly), telephone, send messages, mail, or e-mail.
- c. Take any action, directly or through others, to obtain the addresses or locations of the persons in ① and ⑩. (If item c is not checked, the court has found good cause not to make this order.)

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.

6 **Stay-Away Order**

You **must** stay at least (specify): _____ yards away from:

- a. The person listed in ①
- b. The people listed in ⑩
- c. The home of the persons in ① and ⑩
- d. Jobs or workplaces of the persons in ① and ⑩
- e. Vehicle of person in ①
- f. The protected children's school or child care
- g. Other (specify): _____

This stay-away order does not prevent the person in ② from going to or from that person's home or place of employment.

7 **No Guns or Other Firearms**

You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get a gun or firearm.

8 **Turn In or Sell Guns or Firearms**

You must:

- Sell to a licensed gun dealer or turn in to police any guns or firearms that you possess 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. (You may use Form CH-145 for this.)

9 **Other Orders (specify):** _____

This is a Court Order.



Your name: _____

10 **Other Protected Persons**

List of the full names of all family or household members protected by these orders:

Instructions for the Protected Person

To the person in ①: (Write the name of the person in ①): _____

11 **Service of Order on Law Enforcement**

If the court issues temporary restraining orders, by the close of business on the date the orders are made, you or your lawyer should deliver a copy of this Order and any proof of service form to each law enforcement agency listed below.

Name of Law Enforcement Agency:

Address (City, State, Zip)

12 **Service of Documents**

You must have someone personally deliver to the person in ② a copy of all the documents checked below:

- a. CH-120, *Notice of Hearing and Temporary Restraining Order (CLETS)* (completed and file-stamped)
- b. CH-100, *Request for Orders to Stop Harassment* (completed and file-stamped)
- c. CH-110, *Answer to Request for Orders to Stop Harassment* (blank form)
- d. CH-145, *Proof of Firearms Turned In or Sold* (blank form)
- e. CH-151, *How Can I Answer a Request for Orders to Stop Harassment?*
- f. Other (specify): _____

You must file with the court before the hearing a proof of service of these documents on the person in ②.

13 **Time for Service** (check a, b, or c)

- a. A copy of the documents listed in ⑫ must be served in person to the person in ② at least 5 days before the hearing.
- b. A copy of the documents listed in ⑫ must be served in person to the person in ② at least 2 days before the hearing.
- c. A copy of the documents listed in ⑫ must be served in person to the person in ② at least _____ days before the hearing.

14 **No Fee for Filing**

Filing fees are waived.

This is a Court Order.



Your name: _____

15 **No Fee for Service of Order by Law Enforcement**

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

- a. The Order is based on stalking.
- b. The Order is based on a credible threat of violence.
- c. The person in ① is entitled to a fee waiver.

Date: _____

Judicial Officer

Warnings and Notices to the Restrained Person in ②

You Cannot Have Guns or Firearms

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get a gun while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must call to a licensed gun dealer or turn in to police any guns or firearms that you have or control in accordance with item ⑧ above. The court will require you to prove that you did so. If you do not obey this Order, you can be charged with a crime.

Instructions for Law Enforcement

This Order is effective when made. It is enforceable anywhere 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 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, the agency shall advise the restrained person of the terms of the Order and then shall enforce it. Violations of this Order are subject to criminal penalties.



Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before the hearing. Contact the clerk's office or go to www.courtinfo.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Order* (Form MC-410). (Civil Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate
[seal]

I certify that this *Notice of Hearing and Temporary Restraining Order* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

Clerk stamps date here when form is filed.

Use this form to respond to the Request (Form CH-100)

- Read *How Can I Respond to a Request for Civil Harassment Restraining Orders?* (Form CH-120-INFO), to protect your rights.
- Fill out this form and take it to the court clerk.
- Have someone age 18 or older—**not you**—serve the person in ① or his or her lawyer by mail with a copy of this form and any attached pages. (Use Form CH-250, Proof of Service of Response by Mail.)

① Person Seeking Protection

Name of person seeking protection (see Form CH-100, item ①):

Fill in court name and street address:

Superior Court of California, County of

② Person From Whom Protection Is Sought

a. Your Name: _____

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

Fill in case number:

Case Number:

Present your response and any opposition at the hearing. Write your hearing date, time, and place from Form CH-109 item ③ here:

Hearing Date → Date: _____ Time: _____
Dept.: _____ Room: _____

If you were served with a Temporary Restraining Order, you must obey it until the hearing. At the hearing, the court may make orders against you that last for up to three years.

③ Personal Conduct Orders

- a. I agree to the orders requested.
- b. I do not agree to the orders requested.
- c. I agree to the following orders (specify):

④ Stay-Away Orders

- a. I agree to the orders requested.
- b. I do not agree to the orders requested.
- c. I agree to the following orders (specify):

⑤ Additional Protected Persons

- a. I agree that the persons listed in item ③ of Form CH-100 may be protected by the order requested.
- b. I do not agree that the persons listed in item ③ of Form CH-100 may be protected by the order requested.



6 Guns or Other Firearms and Ammunition

If you were served with Form CH-110, *Temporary Restraining Order*, you cannot own or possess any guns, other firearms, or ammunition. You must turn in any guns or firearms in your immediate possession or control and file a receipt with the court from a law enforcement agency or a licensed gun dealer within 48 hours after you received Form CH-110. (See item 7 of Form CH-110.) You may use Form CH-800, *Proof of Firearms Turned In or Sold*, for the receipt.

- a. I do not own or control any guns or firearms.
- b. I have turned in my guns and firearms to the police or sold them to a licensed gun dealer.
 A copy of the receipt is attached. has already been filed with the court.

7 Other Orders

- a. I agree to the orders requested.
- b. I do not agree to the orders requested.
- c. I agree to the following orders (*specify*): _____

8 Denial

I did not do anything described in item 7 of Form CH-100. (*Skip to 10.*)

9 Justification or Excuse

If I did some or all of the things that the person in 1 has accused me of, my actions were justified or excused for the following reasons (*explain*):

Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 9—Justification or Excuse" as a title. You may use Form MC-025, Attachment.

10 **No Fee for Filing**

- a. I request that I not be required to pay the filing fee because the person in **1** claims in Form CH-100 item **13** to be entitled to free filing.
- b. I request that I not be required to pay the filing fee because I am eligible for a fee waiver. (*Form FW-001, Request to Waive Court Fees, must be filed separately.*)

11 **Lawyer's Fees and Costs**

- a. I ask the court to order payment of my Lawyer's fees Court costs
The amounts requested are:

<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

- Check here if there are more items. Put the items and amounts on the attached sheet of paper or Form MC-025 and write "Attachment 11—Lawyer's Fees and Costs" for a title.*
- b. I ask the court to deny the request of the person asking for protection that I pay his or her lawyer's fees and costs.

12 Number of pages attached to this form, if any: _____

Date: _____

Lawyer's name (if any)

Lawyer's signature

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

Date: _____

Type or print your name

Sign your name

How Can I Respond to a Request for Civil Harassment Restraining Orders?

What is a civil harassment restraining order?

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

What does the order do?

The court can order you to:

- Not contact the person who asked for the order
- Stay away from that person and the person’s home and workplace
- Not have any guns as long as the order is in effect

Who can ask for a civil harassment restraining order?

A person who is worried about safety because he or she has been or is being:

- Stalked
- Harassed
- Assaulted, including sexually, *or*
- Threatened with violence

I've been served with a request for civil harassment 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 obey the order?

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

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 CH-120, *Response to Request for Civil Harassment 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 on the Internet at www.courts.ca.gov. You also may be able to find them at your local courthouse or county law library.

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 CH-120 to the person who asked for the order (or that person’s lawyer). (This is called “service by mail.”)

The person who serves the form by mail must fill out Form CH-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 CH-109, *Notice of Court Hearing*. If you do not go to the hearing, the judge can make orders against you without hearing from you.

CH-109

Notice of Court Hearing

Clerk stamps date here when form is filed.

1 Person Seeking Protection

a. Your Full Name: _____ Age: _____

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and you want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, and e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

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

 Fill in case number:
 Case Number: _____

2 Person From Whom Protection is Sought

Full Name: _____ Age: _____

The court will complete the rest of this form.

3 Notice of Hearing

A court hearing is scheduled on the request for restraining orders against the person in **2** :

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

4 Temporary Restraining Orders (Any orders granted are on Form CH-110, served with this notice.)

a. Temporary Restraining Orders for personal conduct and stay away orders as requested in Form CH-100, *Request for Orders to Stop Harassment*, 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, www.courts.ca.gov
 Revised January 1, 2012, Mandatory Form
 Code of Civil Procedure, § 527.6 Approved by DOJ

Notice of Court Hearing
 (Civil Harassment Prevention)

CH-109, Page 1 of 3



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 person who asked for the order at the court hearing?

Yes. Assume that the person who is asking for the order will attend the hearing. Do not talk to him or her 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.

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 may have to pay a fee for the interpreter. If an interpreter is not available for your court date, bring someone to interpret for you. You should ask someone age 18 or older to interpret for you.

What if I have a gun?

If a restraining order is issued, you cannot own, possess, or have a gun, other firearm, or ammunition while the order is in effect. If you have a gun or other firearm in your immediate possession or control, you must sell it to 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 protected person would have to file a request with the court to cancel the order.

What if I am deaf or hard of hearing?

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five court days before the hearing. Contact the clerk's office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons with Disabilities and Response* (Form MC-410). (Civ. Code, § 54.8.)

Clerk stamps date here when form is filed.

Person in ① must complete items ①, ②, and ③ only.

① Protected Person

- a. Your Full Name: _____
Your Lawyer (if you have one for this case):
Name: _____ State Bar No.: _____
Firm Name: _____
- b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.):
Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____
E-Mail Address: _____

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

Fill in case number:
Case Number:

② Restrained Person

Full Name: _____

Description:

Sex: M F Height: _____ Weight: _____ Date of Birth: _____
 Hair Color: _____ Eye Color: _____ Age: _____ Race: _____
 Home Address (if known): _____
 City: _____ State: _____ Zip: _____
 Relationship to Protected Person: _____

③ Additional Protected Persons

In addition to the person named in ①, the following family or household members of that person are protected by the orders indicated below:

<u>Full Name</u>	<u>Sex</u>	<u>Age</u>	<u>Lives with you?</u>	<u>How are they related to you?</u>
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

Check here if there are additional protected persons. List them on an attached sheet of paper and write, "Attachment 3—Additional Protected Persons" as a title. You may use Form MC-025, Attachment.

④ Expiration Date

This Order, except for any award of lawyer's fees, expires at:

Time: _____ a.m. p.m. or midnight on (date): _____

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

This is a Court Order.

5 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 person in ① (3) The lawyer for the person in ① (name): _____
 - (2) The person in ② (4) The lawyer for the person in ② (name): _____
 - Additional persons present are listed at the end of this Order on Attachment 5.
- c. The hearing is continued. The parties must return to court on (date): _____ at (time): _____.

To the Person in ② :

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.

6 Personal Conduct Orders

- a. You must **not** do the following things to the person named in ①
 and to the other protected persons listed in ③ :
 - (1) Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
 - (2) 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 e-mail, by text message, by fax, or by other electronic means.
 - (3) Take any action to obtain the person’s address or location. If this item is not checked, the court has found good cause not to make this order.
 - (4) Other (specify):
 Other personal conduct orders are attached at the end of this Order on Attachment 6a(4).
- 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.

7 Stay-Away Orders

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

(1) <input type="checkbox"/> The person in ①	(6) <input type="checkbox"/> The place of child care of the children of the person in ①
(2) <input type="checkbox"/> Each person in ③	(7) <input type="checkbox"/> The vehicle of the person in ①
(3) <input type="checkbox"/> The home of the person in ①	(8) <input type="checkbox"/> Other (specify): _____
(4) <input type="checkbox"/> The job or workplace of the person in ①	_____
(5) <input type="checkbox"/> The school of the children of the person in ①	_____
- b. This stay-away order does not prevent you from going to or from your home or place of employment.

This is a Court Order.

8 No Guns or Other Firearms and Ammunition

- a. **You 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. If you have not already done so, you must:
 - Sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms in 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 that your guns or firearms have been turned in or sold. (*You may use Form CH-800, Proof of Firearms Turned In or Sold, for the receipt.*)
- c. The court has received information that you own or possess a firearm.

9 Lawyer's Fees and Costs

The person in ____ must pay to the person in ____ the following amounts for:

- a. Lawyer's fees
- b. Court costs

<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

Additional items and amounts are attached at the end of this Order on Attachment 9.

10 Other Orders (specify):

Additional orders are attached at the end of this Order on Attachment 10.

To the Person in 1 :

11 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, you or your 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 11.

This is a Court Order.

12 Service of Order on Restrained Person

- a. The person in ② personally attended the hearing. No other proof of service is needed.
- b. The person in ② did not attend the hearing.
- (1) Proof of service of Form CH-110, *Temporary Restraining Order*, was presented to the court. The judge's orders in this form are the same as in Form CH-110 except for the expiration date. The person in ② 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 CH-110. Someone—but not anyone in ① or ③—must personally serve a copy of this Order on the person in ②.

13 No Fee to Serve (Notify) Restrained Person

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

- a. The Order is based on unlawful violence, a credible threat of violence, or stalking.
- b. The person in ① is entitled to a fee waiver.

14 Number of pages attached to this Order, if any: _____

Date: _____

Judicial Officer

Warning and Notice to the Restrained Person in ② :**You Cannot Have Guns or Firearms**

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this 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 as stated in item ⑧ 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). 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, 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.

This is a Court Order.

Start Date and End Date of Orders

This Order *starts* on the date next to the judge’s signature on page 4 and *ends* on the expiration date in item ④ on page 1.

Arrest Required If Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed it, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6. Agencies are encouraged to enter violation messages into CARPOS.

Notice/Proof of Service

The law enforcement agency must first determine if the restrained person had notice of the order. Consider the restrained person “served” (given notice) if (Pen. Code, § 836(c)(2)):

- The officer sees a copy of the *Proof of Service* or confirms that the *Proof of Service* is on file; *or*
- The restrained person was at the restraining order hearing or was informed of the order by an officer.

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the restrained person cannot be verified and the restrained person was not present at the court hearing, the agency must advise the restrained person of the terms of the order and then enforce it.

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).)

Conflicting Orders

A protective order issued in a criminal case on Form CR-161 takes precedence in enforcement over any conflicting civil court order. (Pen. Code, § 136.2(e)(2).) Any nonconflicting terms of the civil restraining order remain in full force. An *Emergency Protective Order* (Form EPO-001) that is in effect between the same parties and is more restrictive than other restraining orders takes precedence over all other restraining orders. (Pen. Code, § 136.2.)

Clerk’s Certificate
[seal]

(Clerk will fill out this part.)
—Clerk’s Certificate—

I certify that this *Civil Harassment 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.

Clerk stamps date here when form is filed.

1 Person Seeking Protection

Name: _____

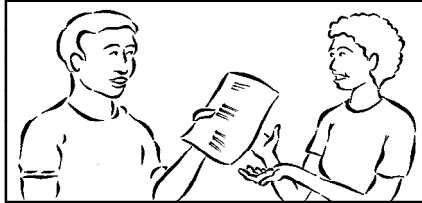
2 Person From Whom Protection Is Sought

Name: _____

3 Notice to Server

The server must:

- Be 18 years of age or older.
- Not be listed in items ① or ③ of Form CH-100.
- Give a copy of all documents checked in ④ to the person in ②. (You cannot send them by mail.) Then complete and sign this form and give or mail it to the person in ①.



Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

PROOF OF PERSONAL SERVICE

4 I gave the person in ② a copy of the forms checked below:

- a. CH-109, *Notice of Court Hearing*
- b. CH-110, *Temporary Restraining Order*
- c. CH-100, *Request for Civil Harassment Restraining Orders*
- d. CH-120, *Response to Request for Civil Harassment Restraining Orders* (blank form)
- e. CH-120-INFO, *How Can I Respond to a Request for Civil Harassment Restraining Orders?*
- f. CH-130, *Civil Harassment Restraining Order After Hearing*
- g. CH-800, *Proof of Firearms Turned In or Sold* (blank form)
- h. Other (*specify*): _____

5 I personally gave copies of the documents checked above to the person in ② :

- a. On (*date*): _____ b. At (*time*): _____ a.m. p.m.
- c. At this address: _____
 City: _____ State: _____ Zip: _____

6 Server's Information

Name: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

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

Date: _____

Type or print server's name

Server to sign here

What is “Service”?

Service is the act of giving your legal papers to the other party. There are many kinds of service—in person, by mail, and others. This form is about personal or “in-person” service. The *Request for Civil Harassment Restraining Orders* (Form CH-100), the *Notice of Court Hearing* (Form CH-109), and the *Temporary Restraining Order* (Form CH-110) must be served “in person.” That means that someone must personally “serve” (give) a copy of the forms to the person to be restrained. These forms cannot be served by mail.

Service lets the other person know:

- What orders you are asking for
- The hearing date
- How to respond

Why do I have to get the orders served?

- The police cannot arrest anyone for violating an order unless that person knows about the order.
- The judge cannot make the orders permanent unless the restrained person was served.

Who can serve?

Ask someone you know, a process server, or a law enforcement agency to personally serve (give) a copy of the forms to the person to be restrained. You **cannot** send the forms to that person by mail.

The server must:

- Be 18 years of age or older
- Not be you or anyone whom you are asking to be protected by the orders

The sheriff or marshal may be authorized to serve the court’s orders **for free** if the orders are based on claims of stalking, unlawful violence, or a credible threat of violence, or if you are entitled to a fee waiver.

A “registered process server” is a business you pay to deliver court forms. Look for “Process Serving” in the Yellow Pages or on the Internet.

(If a law enforcement agency or the process server uses a different proof-of-service form, make sure it lists the forms served.)



Don't serve it by mail!

How to serve

Ask the server to:

- Walk up to the person to be served.
- Make sure it is the right person. Ask the person’s name.
- Give the person copies of all papers checked on Form CH-200, *Proof of Personal Service*.
- Fill out and sign the *Proof of Personal Service* form.
- Give the signed *Proof of Personal Service* to you.

What if the person won’t take the papers or tears them up?

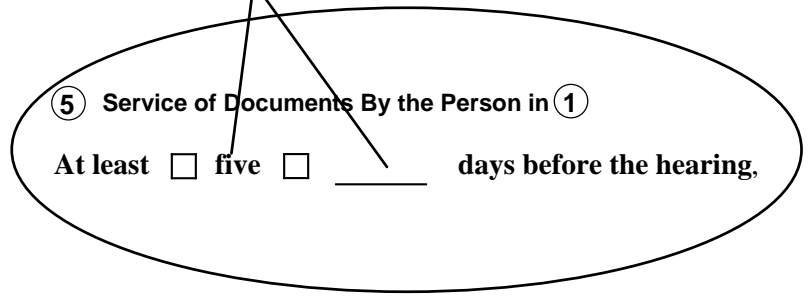
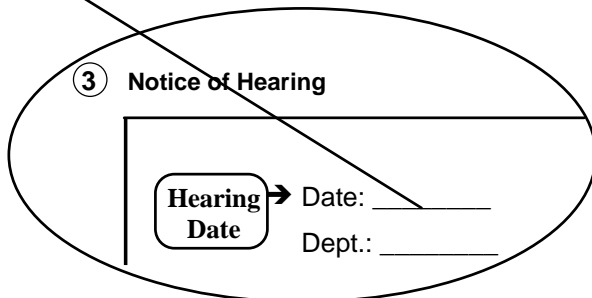
- If the person won’t take the papers, just leave them near him or her.
- It doesn’t matter if the person tears them up. Service is still complete.

When do the orders have to be served?

It depends. To know the exact date, you have to look at two things on Form CH-109, *Notice of Court Hearing*:

First, look at the hearing date on page 1 of Form CH-109.

Next, look at the number of days in item ⑤ on page 2 of Form CH-109.



Look at a calendar. Subtract the number of days in ⑤ from the hearing date. That is the final date to have the orders served. It is always OK to serve earlier than that date.

If nothing is checked or written in ⑤, you must serve the orders at least five days before the hearing.

Who signs the *Proof of Personal Service*?

Only the person who serves the forms can sign Form CH-200, *Proof of Personal Service*. You do not sign it; the restrained person does not need to sign it.

What do I do with the completed *Proof of Personal Service*?

If someone other than the sheriff serves the papers, you should:

- Make several copies.
- File the original with the court before your hearing.
- Ask the clerk to enter it into the California Law Enforcement Telecommunications System (CLETS), a special computer system that lets police all over the state find out about the orders protecting you.
- If the clerk tells you that the court cannot enter it into the computer, take a copy of the *Temporary Restraining Order* (Form CH-110) and *Proof of Personal Service* (Form CH-200) to your local police. They will put the information into the state computer system. That way, police all over the state will know that your restraining order has been served.
- Bring a copy of the completed *Proof of Personal Service* to your hearing.
- Always keep an extra copy of the restraining orders with you for your safety.

If the sheriff serves the papers, he or she will send the proof of service to the court and CLETS for you.

What happens if I can't get the orders served before the hearing date?

Before your hearing, fill out and file Form CH-115, *Request to Continue Court Hearing and to Reissue Temporary Restraining Order*. This form asks the court for a new hearing date and makes your orders last until then. Ask the clerk for the form. After the court has reissued the orders, attach a copy of Form CH-116, *Notice of New Hearing Date and Order on Reissuance*, to a copy of your original orders. Ask the clerk to enter Form CH-116 into CLETS, or the clerk may ask you or your attorney to deliver a copy to the police. That way, the police will know your orders are still in effect.

Clerk stamps date here when form is filed.

1 Person Seeking Protection

Name: _____

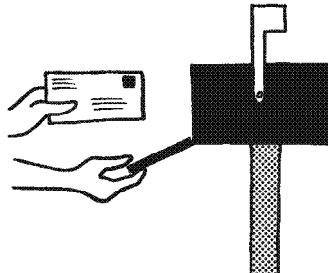
2 Person From Whom Protection Is Sought

Your Name: _____

3 Notice to Server

The server must:

- Be 18 years of age or older.
- Live or be employed in the county where the mailing took place.
- Not be listed in items 1 or 3 of Form CH-100.
- Mail a copy of all documents checked in 4 to the person in 1.
- Complete and sign this form and give it to the person in 2.



Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

PROOF OF SERVICE BY MAIL

4 I am 18 years of age or older and not a party to this proceeding. I live or am employed in the county where the mailing took place. I mailed the person in 1 a copy of all documents checked below:

a. Form CH-120, *Response to Request for Civil Harassment Restraining Orders*

b. Other (*specify*): _____

5 I placed copies of the documents checked above in a sealed envelope and mailed them as described below:

a. Mailed to (*name*): _____

b. To this address: _____

City: _____ State: _____ Zip: _____

c. On (*date*): _____ Mailed from: City: _____ State: _____

6 Server's Information

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

(*If you are a registered process server*):

County of registration: _____ Registration number: _____

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

Date: _____

Type or print server's name

▶ _____
Server to sign here

Clerk stamps date here when form is filed.

You may serve Form CH-130, Civil Harassment Restraining Order After Hearing, on the restrained person by mail if the restrained person was not at the hearing and:

- Before the hearing, the restrained person was personally served with Form CH-110, Temporary Restraining Order, and proof of service of Form CH-110 was presented to the court at the hearing; and
- The judge's orders in Form CH-130 are the same as in Form CH-110 except for the expiration date.

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Protected Person

Name: _____

2 Restrained Person

Name: _____

PROOF OF SERVICE BY MAIL

3 I am 18 years of age or older and not a party to this proceeding or a person listed in item **3** of Form CH-130. I live or am employed in the county where the mailing took place. I mailed the restrained person a copy of:

- a. Form CH-130, *Civil Harassment Restraining Order After Hearing*
- b. Other (*specify*): _____

4 I placed copies of the documents above in a sealed envelope and mailed them as described below:

- a. Mailed to (*name*): _____
- b. To this address: _____
City: _____ State: _____ Zip: _____
- c. On (*date*): _____ Mailed from: City: _____ State: _____

5 Server's Information

Name: _____ Telephone: _____

Address: _____

City: _____ State: _____ Zip: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

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

Date: _____

Type or print server's name

▶ _____
Server to sign here

Clerk stamps below when form is filed.

1 Protected Person

a. Your Full Name: _____

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

Court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

2 Restrained Person

Full Name: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

3 Request to Renew Restraining Order

I ask the court to renew the *Civil Harassment Restraining Order After Hearing* (Form CH-130). A copy of the order is attached.

a. The order ends on (date): _____

b. This is my first request to renew the order.

The order has been renewed _____ times.

c. I want the order to be renewed for three years other (specify): _____

d. I ask the court to renew the order because (explain below):

Check here if there is not enough space for your answer. Attach a sheet of paper and write "Attachment 3d—Reasons to Renew Order" for a title. You may use Form MC-025, Attachment.

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

Date: _____

Type or print your name

Sign your name

This is not a Court Order.

Clerk stamps below when form is filed.

Court name and street address:
Superior Court of California, County of

Fill in case number:
Case Number:

1 Protected Person

- a. Your Full Name: _____
 Your Lawyer (if you have one for this case):
 Name: _____ State Bar No.: _____
 Firm Name: _____
- b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.):
 Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____ Fax: _____
 E-Mail Address: _____

2 Restrained Person

Full Name: _____
 Address (if known): _____
 City: _____ State: _____ Zip: _____

To the Restrained Person

3 Court Hearing

The judge has set a court hearing date. Court will fill in box below.

The current restraining order stays in effect until the end of the hearing.

Name and address of court if different from above:

Hearing Date → Date: _____ Time: _____
 Dept.: _____ Room: _____

At the hearing, the judge can renew the current restraining order for up to another three years. You *must* continue to obey the current restraining order until the hearing. At the hearing, you can tell the judge if you do not want the order against you renewed. If the restraining order is renewed, you *must* obey the order even if you do not attend the hearing.

If you wish to make a written response to the request to renew the restraining order, you may fill out Form CH-720, *Response to Request to Renew Restraining Order*. File the original with the court before the hearing and have someone age 18 or older—**not you**—mail a copy of it to the protected person at the address in ① at least _____ days before the hearing. Also file Form CH-250, *Proof of Service of Response by Mail*, with the court before the hearing.

This is a Court Order.

To the Protected Person:**4 Service and Response**

Someone age 18 or older—**not you or anyone else protected by the restraining order**—must personally serve (give) a copy of the following forms on the restrained person at least _____ days before the hearing.

- CH-700, *Request to Renew Restraining Order*;
- CH-710, *Notice of Hearing to Renew Restraining Order* (this form);
- CH-720, *Response to Request to Renew Restraining Order* (blank copy);
- CH-130, the current *Civil Harassment Restraining Order After Hearing* for which renewal is requested.

After the restrained person has been served, file Form CH-200, *Proof of Personal Service*, with the court clerk. For help with service, read Form CH-200-INFO, *What Is “Proof of Personal Service”?*

Date: _____

Judicial Officer**Request for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk’s office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons with Disabilities and Response* (Form MC-410). (Civ. Code, § 54.8.)

This is a Court Order.

Clerk stamps date here when form is filed.

Use this form to respond to the *Request to Renew Restraining Order (Form CH-700)*

- Fill out this form and then take it to the court clerk.
- Have someone age 18 or older—**not the restrained person**—serve the protected person by mail with a copy of this form and any attached pages. (*Use Form CH-250, Proof of Service or Response by Mail.*)

1 Protected Person (Form CH-700, item 1)

Name: _____

Court name and street address:

Superior Court of California, County of

2 Restrained Person

a. Your Name: _____

Your Lawyer (*if you have one for this case*):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (*If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.*):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

Fill in case number:

Case Number:

The court will consider your *Response* at the hearing. Write your hearing date, time, and place from Form CH-710 item 3 here.

Hearing Date → Date: _____
Time: _____

Dept.: _____ Room: _____

You must continue to obey the current restraining order until the hearing. At the hearing, the court can extend the order against for up to another three years.

3 Response

- a. I agree to extend the order.
- b. I do not agree to extend the order.
- c. I agree to the following order instead (*specify below*):
 - Check here if there is not enough space for your answer. Attach a sheet of paper and write "Attachment 3c—Order Requested" for a title. You may use Form MC-025, Attachment.

- d. I ask the court not to renew the order for the following reasons (*specify below*):
 - Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 3d—Reasons Not to Renew" for a title.

Case Number:

Date: _____

Lawyer's name, if you have one

▶ _____
Lawyer's signature

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

Date: _____

Type or print your name

▶ _____
Sign your name

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Protected Person

a. Your Full Name: _____

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

2 Restrained Person

Full Name: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

3 Hearing

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

These people were at the hearing:

a. The protected person c. The lawyer for the protected person (name): _____

b. The restrained person d. The lawyer for the restrained person (name): _____

Additional persons present are listed on Attachment 3.

4 Renewal and Expiration

The request to renew the attached *Civil Harassment Restraining Order After Hearing*, originally issued on (date) _____, is:

a. **GRANTED.** The attached order is renewed and will now expire on:

Time: _____ a.m. p.m. or midnight on (date): _____

If no expiration date is written here, the order expires three years from the date of the hearing in item **3**.

b. **DENIED.** The attached order expires as stated in item **4** of the order.

Date: _____

Judicial Officer

This is a Court Order.

Clerk stamps date here when form is filed.

1 Protected Person

Name: _____

2 Restrained Person

a. Your Name: _____

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

3 To the Restrained Person:

If the court has ordered you to sell or turn in your firearms, you may use this form to prove to the court that you have obeyed its orders. When you deliver your unloaded weapons, ask the law enforcement officer or the licensed gun dealer to complete item 4 or 5 and item 6. After the form is signed, file it with the court clerk. Keep a copy for yourself. For help, read Form CH-800-INFO, *How do I Turn in or Sell my Firearms?*

4 To Law Enforcement

Fill out items 4 and 6 of this form. Keep a copy and give the original to the person who turned in the firearms.

The firearms listed in 6 were turned in on:

Date: _____ at: _____ a.m. p.m.

To: _____
Name and title of law enforcement agent

Name of law enforcement agency

Address

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

▶ _____
Signature of law enforcement agent

5 To Licensed Gun Dealer

Fill out items 5 and 6 of this form. Keep a copy and give the original to the person who sold the firearms to you.

The firearms listed in 6 were sold to me on:

Date: _____ at: _____ a.m. p.m.

To: _____
Name of licensed gun dealer

License number _____
Telephone

Address

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

▶ _____
Signature of licensed gun dealer



6 Firearms

	<u>Make</u>	<u>Model</u>	<u>Serial Number</u>
a.	_____	_____	_____
b.	_____	_____	_____
c.	_____	_____	_____
d.	_____	_____	_____
e.	_____	_____	_____

Check here if you turned in or sold more firearms. Attach a sheet of paper and write "CH-800, Item 6—Firearms Turned In or Sold" for a title. Include make, model, and serial number of each firearm. You may use Form MC-025, Attachment.

7 Do you have, own, possess, or control any other firearms besides the firearms listed in **6**? Yes No

If you answered yes, have you sold or transferred those other firearms? Yes No

If yes, check one of the boxes below:

a. I filed a *Proof of Firearms Turned In or Sold* for those firearms with the court on (date): _____.

b. I am filing the proof for those firearms along with this proof.

c. I have not yet filed the proof for the other firearms. (explain why not):

Check here if there is not enough space below for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 7c" for a title.

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

Date: _____

Type or print your name

▶ _____
Sign your name

1 What is a firearm?

A firearm is a:

- Handgun
- Rifle
- Shotgun
- Assault weapon



2 If you own or have a firearm you must:

- Turn it in to local law enforcement *or*
- Sell it to a licensed gun dealer

3 How do I sell my firearm?

Find a licensed gun dealer in your area.

Look under “Firearms Dealers” in your local Yellow Pages or on the Internet. Make sure the dealer is licensed.

4 How do I take my firearm to law enforcement?

Call your local law enforcement agency to ask about their procedures. Take a copy of the restraining order with you. Go directly to the law enforcement agency. Do not go anywhere else with firearms in your vehicle!

5 If I turn my firearm in to law enforcement, how long will they keep it?

Ask the law enforcement agency.

6 After I give my firearm to law enforcement, can I change my mind?

Yes. You are allowed to make one sale through a licensed gun dealer. To do this, a licensed gun dealer must present a bill of sale to your local law enforcement agency. The law enforcement agency will give the licensed gun dealer the firearm you are selling.

7 Do I have to pay the law enforcement agency to keep my firearm?

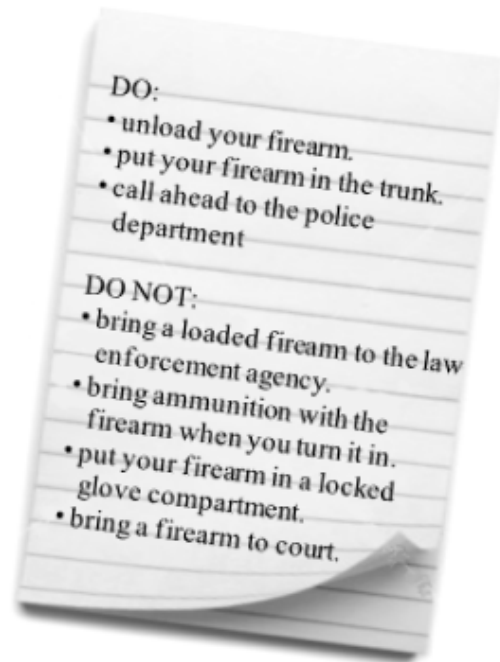
You may have to pay the agency for keeping your firearm.

Contact your local law enforcement agency and ask if a fee is charged. The agency will tell you how much you need to pay.

8 Questions?

Call your local law enforcement agency:

(insert local information here.)



**California Law Enforcement Telecommunications System (CLETS)
Information Form**

- This form is submitted with the initial filing (*date*): _____
- This is an amended form (*date*): _____

Important: This form MUST NOT become part of the public court file. It is confidential and private.

Fill out as much of this form as you can and give it to the court clerk. If the court issues a restraining order, this form will provide law enforcement with information that will help them enforce it. If any of this information changes, fill out a new (amended) form.

Case Number (<i>if you know it</i>): _____

1 Person to Be Protected (*Name*): _____

Sex: M F Height: _____ Weight: _____ Race: _____

Hair Color: _____ Eye Color: _____ Age: _____ Date of Birth: _____

Mailing Address (*listed on restraining order*): _____

City: _____ State: _____ Zip: _____ Telephone (*optional*): _____

Vehicle (*Type, Model, Year*): _____ (*License Number and State*): _____

2 Person to Be Restrained (*Name*): _____

Sex: M F Height: _____ Weight: _____ Race: _____

Hair Color: _____ Eye Color: _____ Age: _____ Date of Birth: _____

Residence Address: _____

City: _____ State: _____ Zip: _____ Telephone: _____

Business Address: _____

City: _____ State: _____ Zip: _____ Telephone: _____

Employer: _____

Occupation/Title: _____ Work Hours: _____

Driver's License Number and State: _____ Social Security Number: _____

Vehicle (*Type, Model, Year*): _____ (*License Number and State*): _____

Describe any marks, scars, or tattoos: _____

Other names used by the restrained person: _____

3 Guns or Firearms Describe any guns or firearms that you believe the person in **2** owns or has access to (*Number, types, and locations*):

4 Other People to Be Protected

<u>Name</u>	<u>Date of Birth</u>	<u>Sex</u>	<u>Race</u>	<u>Relation to Person in 1</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Additional persons to be protected are listed on Attachment 4.

This is not a Court Order—Do not place in court file.

California Law Enforcement Telecommunications System (CLETS) Information Form

- Form submission options: initial filing or amended form.

Important Notice: This form MUST NOT become part of the court file. The information in it is confidential.

Person to Be Protected: Fill out this form as much as you can and give it to the court clerk.

Case number for your restraining order (if you know it):

1 Person to Be Protected (name): Sex: M F Height: Weight: Race: Hair Color: Eye Color: Age: Date of Birth: Telephone Number (optional): Vehicle (type, model, year): License Number and State:

2 Person to Be Restrained (name): Sex: M F Height: Weight: Race: Hair Color: Eye Color: Age: Date of Birth: (residence address) (city, state, zip) (telephone number) (workplace) (occupation/title) (work hours) (business address) (city, state, zip) (telephone number) Driver's License Number and State: Social Security Number: Vehicle (type, model, year): License Number and State: Describe any marks, scars, or tattoos: Other names used by the restrained person:

3 Guns or Firearms Describe any guns or firearms that you believe the restrained person owns or has access to (include types and locations, if known):

4 Other People to Be Protected Table with columns: Name, Date of Birth, Sex, Race, Relation to Person in 1

Continued on Attachment 4

This is not a court order—Do not file in court file.

Clerk stamps date here when form is filed.

Read *Can an Elder or Dependent Adult Abuse Restraining Order Help Me?* (Form EA-100-INFO) before completing this form. Also fill out Confidential CLETS Information (Form CLETS-001), with as much information as you know.

1 Elder or Dependent Adult in Need of Protection

Full Name: _____

Sex: M F Age: _____**2 Person From Whom Protection Is Sought**

Full Name: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

Fill in court name and street address:

Superior Court of California, County of**3 Person Requesting Order**

Who is asking the court for protection? (Check a, b, or c):

a. The elder or dependent adult named in ①.b. Name: _____

conservator of the person estate person and estate
of the person named in ①, appointed by (name of court): _____

Case No.: _____

c. Other (name): _____

(Show this person's legal authority to make this request on an attached sheet of paper. Write "Attachment 3c—Information About Person Requesting Protective Order" for a title. You may use Form MC-025, Attachment.)

Court fills in case number when form is filed.

Case Number:**4 Contact Information**

Contact information for the person asking the court for protection:

a. Your Lawyer (if you have one for this case):

Name: _____ State Bar No: _____

Firm Name: _____

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and you want to keep your home address private, you may give a different mailing address instead. The person in ① does not have to give telephone, fax, or e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

This is not a Court Order.

5 Description of Protected Person

Describe the person named in ①. (Check a or b):

- a. Is age 65 or older and a resident of California.
- b. Is a resident of California and an adult under age 65. This person has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or her rights. (Briefly describe limitations on the attached sheet of paper or Form MC-025. Write "Attachment 5—Description of Protected Person" for a title.)

6 Additional Protected Persons

- a. Are you asking for protection for any other family or household members or for the conservator of the elder or dependent adult listed in ①? Yes No *If yes, list them:*

<u>Full Name</u>	<u>Sex</u>	<u>Age</u>	<u>Lives with you?</u>	<u>How are they related to you?</u>
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

- Check here if there are more persons. Provide the above information for each one on the attached sheet of paper or MC-025. Write "Attachment 6a—Additional Protected Persons" for a title.

- b. Why do these people need protection? (Explain below):

- Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 6b—Why Others Need Protection" for a title.

7 Relationship of Parties

How does the person in ① know the person in ②? (Explain below):

- Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 7—Relationship of Parties" for a title.

8 Venue

Why are you filing in this county? (check all that apply):

- a. The person in ② lives in this county.
- b. The person in ① was abused by the person in ② in this county.
- c. Other (specify): _____

This is not a Court Order.



Case Number: _____

9 Other Court Cases

a. Has the person in (1) or any of the persons named in (6) been involved in another court case with the person in (2)? No Yes (If yes, specify the kind of each case and indicate where and when each was filed:)

Kind of Case	Filed in (County/State)	Year Filed	Case Number (if known)
(1) <input type="checkbox"/> Elder or Dependent Adult Abuse	_____	_____	_____
(2) <input type="checkbox"/> Civil Harassment	_____	_____	_____
(3) <input type="checkbox"/> Domestic Violence	_____	_____	_____
(4) <input type="checkbox"/> Divorce, Nullity, Legal Separation	_____	_____	_____
(5) <input type="checkbox"/> Paternity, Parentage, Child Custody	_____	_____	_____
(6) <input type="checkbox"/> Eviction	_____	_____	_____
(7) <input type="checkbox"/> Guardianship	_____	_____	_____
(8) <input type="checkbox"/> Workplace Violence	_____	_____	_____
(9) <input type="checkbox"/> Small Claims	_____	_____	_____
(10) <input type="checkbox"/> Criminal	_____	_____	_____
(11) <input type="checkbox"/> Other (specify): _____	_____	_____	_____

b. Are there now any protective or restraining orders in effect relating to the person in (1) or any of the persons named in (6) and the person in (2)? No Yes If yes, attach a copy if you have one.

10 Description of Abuse

a. Abuse means either:

- (1) Physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering; or
- (2) The withholding by a caretaker of goods or services that are necessary to avoid physical harm or mental suffering.

b. Tell the court about the last time the person in (2) abused the person in (1).

(1) When did it happen? (provide date or estimated date): _____

(2) Who else was there? _____

(3) Describe what happened below.

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 1-b(3)—Describe Abuse" for a title.

(4) Was the abuse solely financial abuse unaccompanied by force, threat, harassment, intimidation, or any other form of abuse?

Yes, only financial abuse. No, the abuse included other forms of abuse described above.

This is not a Court Order.

(5) Did the person in ② use or threaten to use a gun or any other weapon?

Yes No (If yes, explain below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 10b(5)—Use of Weapons" for a title.

(6) Was the person in ① harmed or injured as a result of the acts of abuse described above?

Yes No (If yes, explain below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 10b(6)—Harm or Injury" for a title.

(7) Did the police come? Yes No

If yes, did they give the person in ① or the person in ② an Emergency Protective Order? Yes No

If yes: The order protects (check all that apply):

a. The person in ① b. The person in ② c. The persons in ⑥

Attach a copy of the order if you have one.

c. Is the person in ② a care custodian who deprived the person in ① of (kept from him or her, did not allow him or her to have or receive, or did not provide him or her with) goods or services that the person needed to avoid physical harm or mental suffering?

Yes No (If yes, describe below what the person was deprived of and how that affected him or her):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 10c—Deprivation by Care Custodian" for a title.

d. Has the person in ② abused the person in ① at other times?

Yes No (If yes, describe prior incidents and provide dates below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 10d—Previous Abuse" for a title.

This is not a Court Order.



Check the orders you want

11 **Personal Conduct Orders**

I ask the court to order the person in **(2)** not to do the following things to the person in **(1)** or to anyone to be protected listed in **(6)**:

- a. Physically abuse, financially abuse, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, harass, destroy the personal property of, or disturb the peace of the person.
- b. 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 e-mail, by text message, by fax, or by other electronic means.
- c. Other (*specify*):
 Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 11c—Other Personal Conduct Orders," for a title.

The person in (2) will be ordered not to take any action to get the addresses or locations of any protected person unless the court finds good cause not to make the order.

12 **Stay-Away Orders**

a. I ask the court to order the person in **(2)** to stay at least _____ yards away from (*Check all that apply*):

- (1) The elder or dependent adult in **(1)**
- (2) The persons in **(6)**
- (3) The home of the elder or dependent adult
- (4) The job or workplace of the elder or dependent adult
- (5) The vehicle of the elder or dependent adult
- (6) Other (*specify*): _____

b. If the court orders the person in **(2)** to stay away from all the places listed above, will he or she still be able to get to his or her home, school, or job? Yes No (*If no, explain below*):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 12b—Stay-Away Orders," for a title.

This is not a Court Order.



13 **Move-Out Order**

I ask the court to order the person in **(2)** to move out from and not return to the residence at (*address*):

The person in **(1)** will suffer physical or emotional harm if the person in **(2)** does not leave the residence. The person in **(2)** is not named in the title or lease of the residence, either alone or with others beside the person in **(1)**.

I ask for this move-out order right away to last until the hearing, because:

- a. The person in **(2)** assaulted or threatened the person in **(1)**; and
- b. The person in **(1)** has the right to live at the above residence (*Explain below*):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 13—My Right to Residence," for a title.

14 **Guns or Other Firearms and Ammunition**

Does the person in **(2)** own or possess any guns or other firearms? Yes No I don't know

*Unless the abuse is only financial, if the judge grants a protective order, the person in **(2)** will be prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive a gun, other firearm, and ammunition while the protective order is in effect. The person in **(2)** will also be ordered to turn in to law enforcement or sell to a gun dealer any guns or firearms within his or her immediate possession or control.*

15 **Immediate Orders**

Do you want the court to make any of these orders now that will last until the hearing without notice to the person in **(2)**? Yes No (*If you answered yes, explain why below*):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 15—Immediate Orders" for a title.

16 **Request to Give Less Than Five Days' Notice**

*You must have your papers personally served on the person in **(2)** at least five days before the hearing, unless the court orders a shorter time for service. (Form EA-200-INFO explains What Is "Proof of Personal Service"? Form EA-200, Proof of Personal Service, may be used to show the court that the papers have been served.)*

If you want there to be fewer than five days between service and the hearing, explain why below:

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 16—Request to Give Less Than Five-Days Notice" for a title.

This is not a Court Order.

17 **No Fee to Serve Orders** *If you want the sheriff or marshal to serve (notify) the person in 2 about the orders for free, ask the court clerk what you need to do.*

18 **Lawyer's Fees and Costs**

I ask the court to order payment of my: a. Lawyer's fees b. Court costs

The amounts requested are:

<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

Check here if there are more items. Put the items and amounts on the attached sheet of paper or Form MC-025 and write "Attachment 18—Lawyer's Fees and Costs" for a title.

19 **Additional Orders Requested**

I ask the court to make the following additional orders (*specify*):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 19—Additional Orders Requested," for a title.

20 Number of pages attached to this form, if any: _____

Date: _____

Lawyer's name (if any)

▶ _____
Lawyer's signature

I declare under penalty of perjury under the laws of the State of California that the information above and on all attachments is true and correct.

Date: _____

Name of person filing this request

▶ _____
Signature of person filing this request

This is not a Court Order.

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 restraining order?

It is a court order that helps protect people from being abused.

Can I get a restraining order?

If you are a person 65 years or older or a dependent adult, you can ask for a restraining order if you have been or are being:

- Physically abused
- Financially abused
- Mentally or emotionally abused
- Neglected
- Abandoned or abducted
- Isolated, *or*
- Deprived by a caregiver of goods or services you needed to avoid harm or suffering

How will the order help me?

The court can order a person to:

- Not physically abuse, harass, hit, or threaten you
- Not contact or go near you, *and*
- Not have a gun

You can also ask for protection for people who live with you and family members.

Who can apply for an elder or dependent adult abuse restraining order?

In addition to the elder or dependent adult, the following persons may apply for a restraining order on behalf of the elder or dependent adult:

- A conservator or trustee of the elder or dependent adult
- An attorney-in-fact of an elder or dependent adult who acts within the authority of the power of attorney
- A person appointed as a guardian ad litem for the elder or dependent adult
- Any other person legally authorized to seek such relief.

How much does it cost?

There is no fee for filing a request for a restraining order.

You do not need to pay a fee for service of the order. A sheriff or marshal will serve the order for free. Or you may arrange for service by a registered process server or a private party and pay any fee that is charged.

The court can make the person who loses the case pay all the court fees and the lawyer's fees for the other party.

What forms do I need to get the order?

You must fill out all of Form EA-100, *Request for Elder or Dependent Adult Abuse Restraining Orders*, and Form CLETS-001, *Confidential CLETS Information*. If you need attachments, you may use Form MC-025, Attachment. You must also fill out items 1 and 2 on Form EA-109, *Notice of Court Hearing*, and items 1, 2, and 3 on Form EA-110, *Temporary Restraining Order*.

Where can I get these forms?

You can get the forms from legal publishers or on the Internet at www.courts.ca.gov. You also may be able to find them at your local courthouse or county law library.

What do I need to do to get the order?

You must go to the superior court in the county where the abuse took place or the person to be restrained lives. At the court, ask where you should file your request for a restraining order. (A self-help center or legal aid association may be able to assist you in filing your request.)

At the court, give your forms to the clerk of the court. The clerk will give you a hearing date on the *Notice of Court Hearing* form, and if your request for immediate orders is granted, a copy of the *Temporary Restraining Order* signed by a judicial officer.

How soon can I get the order?

If you ask for a temporary restraining order, the court will decide within 24 hours whether or not to make the order. Sometimes the court decides sooner. Ask whether you should wait or come back later to get the signed *Notice of Court Hearing* and *Temporary Restraining Order*.



How long does the order last?

If the court makes a temporary order, it will last until your hearing date. At that time, the court will decide to continue or cancel the order. The order could last for up to five years.

How will the person to be restrained know about the order?

Someone age 18 or older—**not you** or anyone else to be protected by the order—must “serve” (give) the person to be restrained a copy of the order. The server must then fill out Form EA-200, *Proof of Personal Service*, and give it to you to file with the court. For help with service, ask the court clerk for Form EA-200-INFO, What Is “Proof of Personal Service?”.

What if the restrained person does not obey the order?

Call the police. The restrained person can be arrested and charged with a crime.

Do I have to go to court?

Yes. Go to court on the date the clerk gives you.

Do I need to bring a witness to the court hearing?

Witnesses are not required, but it helps to have more proof of the abuse than just your word. You can bring:

- Witnesses
- Written statements from witnesses made under oath
- Photos
- Medical or police reports
- Damaged property
- Threatening letters, e-mails, 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 for this.)

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 restrained person at the court hearing?

If the person comes to the hearing, yes. But that person does not have the right to speak to you. If you are afraid, tell the court officer.

Can I bring someone with me to court?

Yes. You can bring someone to sit with you during the hearing. But that person cannot speak for you in court. Only you or your lawyer (if you have one) can speak for you.

What if I don't speak English?

When you file your papers, ask the clerk if a court interpreter is available. You may have to pay a fee for the interpreter. If an interpreter is not available for your court date, you should ask someone who is not listed as a person to be protected on your Request and who is over age 18 to interpret for you.

EA-109

Notice of Court Hearing

Clerk stamps date here when form is filed.

1 Elder or Dependent Adult in Need of Protection

a. Full Name: _____

Person requesting protection for the elder or dependent adult, if different (person named in item **3**) of Form EA-100):

Full Name: _____

Lawyer for person named above (if any for this case):

Name: _____ State Bar No.: _____

b. Firm Name: _____

Address for person named above (If you have a lawyer, give your lawyer's information. If you do not have a lawyer, give information for the person requesting the order. If you want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

2 Person You Want Protection From

Full Name: _____

The court will complete the rest of this form.

3 Notice of Hearing

A court hearing is scheduled on the request for restraining orders against the person in **2** :

Name and address of court if different from above:

Hearing Date → Date: _____ Time: _____

Dept.: _____ Room: _____

4 Temporary Restraining Orders (Any orders granted are on Form EA-110, served with this notice.)

a. Temporary Restraining Orders for personal conduct and stay-away orders as requested in Form EA-100, Request for Elder on Dependent Adult Abuse 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, www.courts.ca.gov
 New January 1, 2012, Mandatory Form
 Welfare and Institutions Code, § 19657.03
 Approved by DOJ

Notice of Court Hearing
 (Elder or Dependent Adult Abuse Prevention)

EA-109, Page 1 of 3
 →



Can I agree with the restrained person to cancel the order?

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

For help in your area, contact:

[Local information may be inserted.]

What if I am deaf or hard of hearing?

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons with Disabilities and Response* (Form MC-410). (Civ.Code, § 54.8.)

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Elder or Dependent Adult in Need of Protection

a. Full Name: _____

Person requesting protection for the elder or dependent adult, if different (*person named in item 3 of Form EA-100*):

Full Name: _____

Lawyer for person named above (*if any for this case*):

Name: _____ State Bar No.: _____

b. Firm Name: _____

Address for person named above (*If you have a lawyer, give your lawyer's information. If you do not have a lawyer, give information for the person requesting the order. If you want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.*):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

2 Person You Want Protection From

Full Name: _____

The court will complete the rest of this form.

3 Notice of Hearing

A court hearing is scheduled on the request for restraining orders against the person in 2 :

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

4 Temporary Restraining Orders (*Any orders granted are on Form EA-110, served with this notice.*)

a. Temporary Restraining Orders for personal conduct and stay-away orders as requested in Form EA-100, *Request for Elder on Dependent Adult Abuse 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.*)



4 Temporary Restraining Orders (Continued)

b. Reasons for denial of some or all of those personal conduct and stay away orders as requested in Form EA-100, *Request for Elder or Dependent Adult Abuse Restraining Orders*, are:

- (1) The facts as stated in Form EA-100 do not sufficiently show reasonable proof of a past act or acts of abuse of the elder or dependent adult by the person in ②.
- (2) Other (*specify*): As set forth on Attachment 4b.

5 Service of Documents by the Person in ①

At least five _____ days before the hearing, someone age 18 or older—**not you or anyone to be protected**—must personally give (serve) a court file-stamped copy of this Form EA-109, *Notice of Court Hearing*, to the person in ② along with a copy of all the forms indicated below:

- a. EA-100, *Request for Elder or Dependent Adult Abuse Restraining Orders* (file-stamped)
- b. EA-110, *Temporary Restraining Order* (file-stamped) **IF GRANTED**
- c. EA-120, *Response to Request for Elder or Dependent Adult Abuse Restraining Orders* (blank form)
- d. EA-250, *Proof of Service of Response by Mail* (blank form)
- e. EA-120-INFO, *How Can I Respond to a Request for Elder or Dependent Adult Abuse Restraining Orders?*
- f. Other (*specify*): _____

Date: _____

Judicial Officer

To the Person in ① :

- The court cannot make the restraining orders after the court hearing unless the person in ② has been personally given (served) a copy of your request and any temporary orders. To show that the person in ② has been served, the person who served the forms must fill out a proof of service form. Form EA-200, *Proof of Personal Service*, may be used.
- For information about service, read Form EA-200-INFO, *What Is “Proof of Personal Service”?*
- If you are unable to serve the person in ② in time, you may ask for more time to serve the documents. Use Form EA-115, *Request to Continue Court Hearing and to Reissue Temporary Restraining Order*.



To the Person in ②:

- If you want to respond to the request for orders in writing, file Form EA-120, *Response to Request for Elder or Dependent Adult Abuse Restraining Orders*, and have someone age 18 or older—**not you or anyone to be protected**—mail it to the person in ①.
- The person who mailed the form must fill out a proof of service form. Form EA-250, *Proof of Service of Response by Mail*, may be used. File the completed form with the court before the hearing and bring a copy with you to the court hearing.
- Whether or not you respond in writing, go to the hearing if you want the judge to hear from you before making an order. You may tell the judge why you agree or disagree with the orders requested.
- You may bring witnesses and other evidence.
- **At the hearing, the judge may make restraining orders against you that could last up to five years and may order you to sell or turn in any firearms that you own or possess.**



Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk’s office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons with Disabilities and Response* (Form MC-410). (Civ. Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk’s Certificate—

I certify that this *Notice of Court Hearing* is a true and correct copy of the original on file in the court.

Clerk’s Certificate
[seal]

Date: _____

Clerk, by _____, Deputy

Clerk stamps date here when form is filed.

Person in ① must complete items ①, ② and ③ only.

① Protected Elder or Dependent Adult

a. Full Name: _____

Person requesting protection for the elder or dependent adult, if different (person named in item ③ of Form EA-100):

Full Name: _____

Lawyer for person named above (if any for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

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 Restrained Person

Full Name: _____

Description:

Sex: M F Height: _____ Weight: _____ Date of Birth: _____

Hair Color: _____ Eye Color: _____ Age: _____ Race: _____

Home Address (if known): _____

City: _____ State: _____ Zip: _____

Relationship to Protected Person: _____

③ Additional Protected Persons

In addition to the elder or dependent adult named in ①, the following family or household members or conservator of that person are protected by the orders indicated below:

<u>Full Name</u>	<u>Sex</u>	<u>Age</u>	<u>Household Member?</u>	<u>Relation to Protected Person</u>
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

Check here if there are additional protected persons. List them on an attached sheet of paper and write "Attachment 3—Additional Protected Persons" as a title. You may use Form MC-025, Attachment.

The court will complete the rest of this form.

④ Expiration Date

This Order expires at the end of the hearing scheduled for the date and time below:

Date: _____ Time: _____ a.m. p.m.

This is a Court Order



To the Person in ② :

The court has issued the temporary orders checked as granted 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.

⑤ Personal Conduct Orders

Not Requested Denied Until the Hearing Granted as Follows:

- a. You must **not** do the following things to the elder or dependent adult named in ①
 - and to the other protected persons listed in ③:
 - (1) Physically abuse, financially abuse, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, harass, destroy the personal property of, or disturb the peace of the person.
 - (2) 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 e-mail, by text message, by fax, or by other electronic means.
 - (3) Take any action to obtain the person’s address or location. If this item ③ is not checked, the court has found good cause not to make this order.
 - (4) Other (*specify*):
 - Other personal conduct orders are attached at the end of this Order on Attachment 5a(4).
- b. Peaceful written contact through a lawyer or a process server or any other person for service of legal papers related to a court case is allowed and does not violate this order. However, you may have your papers served by mail on the person in ① .

⑥ Stay-Away Orders

Not Requested Denied Until the Hearing Granted as Follows:

- a. You **must** stay at least _____ yards away from (*check all that apply*):
 - (1) The elder or dependent adult in ①
 - (2) Each person in ③
 - (3) The home of the elder or dependent adult
 - (4) The job or workplace of the elder or dependent adult
 - (5) The vehicle of the elder or dependent adult
 - (6) Other (*specify*): _____
- b. This stay-away order does not prevent you from going to or from your home or place of employment.

⑦ Move-Out Order

Not Requested Denied Until the Hearing Granted as Follows:

You must immediately move out from and not return to (*address*):

and must take only the personal clothing and belongings you need until the hearing.

This is a Court Order.



8 No Guns or Other Firearms and Ammunition

Not Issued (financial abuse only) **Granted as Follows:**

This order must be granted unless only financial abuse is alleged.

- a. You 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. You must:
 - (1) Sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms in your immediate possession or control. This must be done within 24 hours of being served with this Order.
 - (2) File a receipt with the court within 48 hours of receiving this Order that proves that your guns or firearms have been turned in or sold. *(You may use Form EA-800, Proof of Firearms Turned In or Sold, for the receipt.)*
- c. The court has received information that you own or possess a firearm.

9 Financial Abuse

This case does **not** does involve **solely financial abuse** unaccompanied by force, threat, harassment, intimidation, or any other form of abuse.

10 Other Orders

Not Requested **Denied Until the Hearing** **Granted as Follows** *(specify):*

Additional orders are attached at the end of this Order on Attachment 10.

To the Person in ①:

11 Mandatory Entry of Order Into CARPOS Through CLETS

This Order must be entered into the California Restraining and Protective Orders 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 CLETS.
- b. The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CLETS.
- c. By the close of business on the date that this Order is made, the person in ① or his or her lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agencies listed below to enter into CLETS:

Name of Law Enforcement Agency

Address (City, State, Zip)

Additional law enforcement agencies are listed at the end of this Order on Attachment 11.

This is a Court Order.



12 No Fee to Serve (Notify) Restrained Person

If the sheriff or marshal serves this Order, he or she will do it for free.

13 Number of pages attached to this Order, if any: _____

Date: _____

Judicial Officer

Warnings and Notices to the Restrained Person in 2 :
Possession of Guns or Firearms

If the court grants the orders in item 8, you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this 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 as stated in item 8. The court will require you to prove that you did so.

Notice Regarding Nonappearance at Hearing and Service of Order

If you have been personally served with this Temporary Restraining Order and Form EA-109, *Notice of Court Hearing*, but you do not appear at the hearing either in person or by a lawyer, and a restraining order that does not differ from this order except for the expiration date is issued at the hearing, a copy of the order will be served on you by mail at the address in item 2.

If this address is not correct or you wish to verify that the Temporary Restraining Order was converted into a restraining order at the hearing without substantive change, or to find out the duration of the order, contact the clerk of the court.

After You Have Been Served With a Restraining Order

- Obey all the orders.
- Read Form EA-120-INFO, *How Can I Respond to a Request for Orders to Elder or Dependent Adult Abuse?*, to learn how to respond to this Order.
- If you want to respond, fill out Form EA-120, *Response to Request for Elder or Dependent Adult Abuse Restraining Orders*, and file it with the court clerk. You do not have to pay any fee to file your response.
- You must have Form EA-120 served on the person in 1 (the person asking the court for protection of the elder or dependent adult or the elder or dependent adult if no other person is named in that item), or that person's attorney, by mail. You cannot do this yourself. The person who does the mailing should complete and sign Form EA-250, *Proof of Service of Response by Mail*. File the completed proof of service with the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and have declarations served signed by you and other persons who have personal knowledge of the facts. You may use Form MC-030, *Declaration*, for this purpose. It is available from the clerk's office at the court shown on page 1 of this form or at www.courts.ca.gov/forms. If you do not know how to prepare a declaration, you should see a lawyer.
- Whether or not you file a response, you should attend the hearing. If you have any witnesses, they must also go to the hearing.
- At the hearing, the judge can make restraining orders against you that last for up to five years. Tell the judge why you disagree with the orders requested.

This is a Court Order.


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 Orders System (CARPOS). If the law enforcement agency has not received proof of service on the restrained person, 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 4. The order *ends* on the expiration date in item ④ on page 1.

Arrest Required If Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6. Agencies are encouraged to enter violation messages into CARPOS.

Notice/Proof of Service

The law enforcement agency must first determine if the restrained person had notice of the orders. Consider the restrained person “served” (noticed) if (Pen. Code, § 836(c)(2)):

- The officer sees a copy of the Proof of Service or confirms that the Proof of Service is on file; *or*
- The restrained person was informed of the order by an officer.

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the restrained person cannot be verified, the agency must advise the restrained person of the terms of the order and then enforce it.

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).)

Conflicting Orders

A protective order issued in a criminal case on Form CR-161 takes precedence in enforcement over any conflicting civil court order. (Pen. Code, § 136.2(e)(2).) Any nonconflicting terms of the civil restraining order remain in full force. An *Emergency Protective Order* (Form EPO-001) that is in effect between the same parties and is more restrictive than other restraining orders takes precedence over all other restraining orders. (Pen. Code, § 136.2.)

(Clerk will fill out this part)

—Clerk’s Certificate—

Clerk’s Certificate
[seal]

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

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

Request to Continue Court Hearing and to Reissue Temporary Restraining Order

Clerk stamps date here when form is filed.

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

Fill in case number:
Case Number:

1 Elder or Dependent Adult In Need of Protection

a. Full Name: _____

Person requesting protection for the elder or dependent adult, if different (person named in item 3 of Form EA-100):

Full Name: _____

Lawyer for person named above (if any for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

2 Person From Whom Protection Is Sought

Full Name: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

3 Request to Continue Hearing and to Reissue Temporary Restraining Order

I ask the court to continue the hearing currently scheduled for (date): _____ and to reissue the attached Temporary Restraining Order (Form EA-110).

a. The attached order was issued on (date): _____ without notice to the person in 2 .

b. I request that the Temporary Restraining Order be reissued because (check one or both):

(1) I could not get the order served before the hearing date

(2) Other

for the reasons stated below on Attachment 3b

c. (1) This is the first request to reissue the Order.

(2) The Order has been previously reissued _____ times.

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

Date: _____

Type or print your name

Sign your name

This is not a Court Order.

Clerk stamps date here when form is filed.

1 Elder or Dependent Adult in Need of Protection

a. Full Name: _____

Person requesting protection for the elder or dependent adult, if different (*person named in item 3 of Form EA-100*):

Full Name: _____

Lawyer for person named above (*if any for this case*):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (*If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.*):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

2 Person You Want Protection From

Full Name: _____

3 New Hearing Date

a. A hearing in this case is currently set for (*date*): _____ at (*time*): _____

b. The court orders a new hearing date:

- (1) at the request of the person seeking protection
- (2) at the request of the person from whom protection is sought
- (3) in its discretion

c. Because:

- (1) the person in 2 could not be served before the current hearing date.
- (2) the parties have agreed to postpone the hearing and ask for a new hearing date.
- (3) for the reasons stated below on Attachment 3c

4 Order for Continuance and Notice of Hearing

The court hearing on the Request for Elder or Dependent Adult Abuse Restraining Orders (Form EA-100) is continued and rescheduled:

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

This is a Court Order.



5 Reissuance of Temporary Restraining Order

- a. [] No temporary restraining order was issued in this case.
b. [] The request to reissue the temporary restraining order is GRANTED. The attached Temporary Restraining Order (Form EA-110) is reissued.
c. [] The request to reissue the temporary restraining order is DENIED.
[] for the reasons stated [] below [] on Attachment 5c

Multiple horizontal lines for providing reasons for denial.

Warning and Notice to the Person in 2 :

If the request to reissue the Temporary Restraining Order is GRANTED in 5b, you must continue to obey the attached Temporary Restraining Order until the end of the hearing scheduled in 4.

6 Expiration Date

If 5b is checked, the attached Temporary Restraining Order expires at the end of the hearing scheduled in 4.

7 Service of Order

- a. [] A copy of this Order must be served by the requesting party on the other party at least ___ days before the hearing, along with the other documents requesting elder or dependent adult abuse restraining orders. If reissuance is denied in item 5c, a copy of the Temporary Restraining Order (Form EA-110) must NOT be attached and served.
b. [] No further service of this Order is required because both parties were present at the initial hearing date in item 3a, and both were given a signed copy of this Order.
c. [] The court will serve a copy of this Order on the parties.

8 No Fee to Serve (Notify) Restrained Person

If the sheriff or marshal serves this Order, he or she will do it for free.

This is a Court Order.



9 Entry of Order Into CARPOS Through CLETS

If the Temporary Restraining Order has been reissued (item 5b is checked), this Order must be entered into the California Restraining and Protective Orders 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 person in ① or that person’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 in Attachment 9.

Date: _____

Judicial Officer



Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk’s office for *Request for Accommodations by Persons with Disabilities and Response* (Form MC-410). (Civ. Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk’s Certificate—

Clerk’s Certificate
[seal]

I certify that this *Notice of New Hearing Date and Order on Reissuance* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

Clerk stamps date here when form is filed.

1 Name of person to be protected:

Address (Skip this if you have a lawyer. If you want your address to be private, give a mailing address instead):

City: _____ State: _____ Zip: _____

Your telephone number (optional): _____

Your lawyer (if you have one): (Name, address, telephone number, and State Bar number): _____

Fill in court name and street address:

Superior Court of California, County of

2 Name of person to be restrained:

Description of that person:

Sex: M F Height: _____ Weight: _____

Hair Color: _____ Eye Color: _____ Age: _____ Date of Birth: _____

Home Address (if known): _____

City: _____ State: _____ Zip: _____

Work Address (if known): _____

City: _____ State: _____ Zip: _____

3 **Notice of Hearing**

A court hearing is scheduled on the request for orders against you to stop abuse:

Name and address of court if different from above:

Hearing Date

Date: _____

Time: _____

Dept: _____

Rm.: _____

If you do not want the court to make orders against you, file Form EA-110. Then go to the hearing and tell the court why you disagree. You may bring witnesses and other evidence. If you do not go to this hearing, the court may make restraining orders against you that could last up to 3 years.

4 **Court Orders**

The court (check a or b):

a Has scheduled the hearing stated in **3**. No orders are issued against you at this time.

b Has scheduled the hearing stated in **3** and has issued the temporary orders against you specified on pages 2, 3, and 4. If you do not obey these orders, you can be arrested and charged with a crime. You may have to go to jail, pay a fine of up to \$1,000, or both.

This is a Court Order.

**Notice of Hearing and Temporary
Restraining Order (CLETS-TEA or TEF)
(Elder or Dependent Adult Abuse Protection)**



Your name: _____

5 **Additional Protected Persons**

In addition to the person named in ①, the following family or household members or conservator of the elder or dependent adult named in ① are protected by the orders indicated below:

<u>Name</u>	<u>Sex</u>	<u>Age</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Additional protected persons are listed at the end of this Order as EA-12 Attachment 5.

Temporary Orders Against the Restrained Person

(Write the name of the person in ②): _____

The court has made the temporary orders indicated below against you. You must obey all these orders. These orders will expire on the date of the hearing listed in ③ unless they are extended by the court.

6 **Personal Conduct Orders**

You must **not** do the following things to the person listed in ① and each person listed in ⑤:

- a. Physically abuse, financially abuse, intimidate, molest, attack, assault (sexually or otherwise), hit, follow, stalk, threaten, harass, destroy personal property, keep under surveillance, or block movements.
- b. Contact (directly or indirectly) by telephone, send messages, mail, or e-mail.
- c. Take any action, directly or through others, to obtain the addresses or locations of the person in ① or of that person's family or caretakers. (If item c. is not checked, the court has found good cause not to make this order.)

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

7 **Stay-Away Orders**

You must stay at least (specify) _____ yards away from:

- a. The person listed in _____
- b. The home of person in ①
- c. The job or workplace of the person in ①
- d. The vehicle of person in ①
- e. The persons listed in ⑤
- f. Other (specify): _____

8 **Move-Out Order**

You must immediately move out from and not return to (address): _____

and must take only the personal clothing and belongings you need until the hearing.

9 **No Guns or Other Firearms**

You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get a gun or firearm.

This is a Court Order.



Your name: _____

10 **Turn In or Sell Guns or Firearms**

You must:

- Sell to a licensed gun dealer or turn in to police any guns or firearms that you possess 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. (*You may use Form EA-145, Proof of Firearms Turned In or Sold, for this.*)

11 **Financial Abuse**

This case does **not** does involve **solely financial abuse** unaccompanied by force, threat, harassment, intimidation or any other form of abuse.

12 **Other Orders** (*specify*): _____

Additional orders are attached at the end of this Order as EA-120 Attachments 2.

Instructions for the Protected Person

To the person in ①: (*Write the name of the person in ①.*) _____

13 **Service of Order on Law Enforcement**

If the court issues temporary restraining orders by the close of business on the date the orders are made,

you your lawyer the court clerk

should deliver a copy of this Order and any proof of service forms to each law enforcement agency listed below.

Name of Law Enforcement Agency

Address (City, State, Zip)

_____	_____
_____	_____
_____	_____

14 **Service of Documents**

You must have someone personally deliver to the person in ② a copy of all the documents below:

- Form EA-100, *Notice of Hearing and Temporary Restraining Order* (completed and filed-stamped)
- Form EA-100, *Request for Orders to Stop Elder or Dependent Adult Abuse* (completed and filed-stamped)
- Form EA-110, *Response to Request for Orders to Stop Elder or Dependent Adult Abuse* (blank form)
- Form EA-151-INFO, *How Can I Respond to a Request for Orders to Stop Elder or Dependent Adult Abuse?*

If the boxes below are checked, you must also have someone personally deliver to the person in ② a copy of all the documents checked below:

- Form EA-145, *Proof of Firearms Turned In or Sold* (blank form)
- Other (*specify*): _____

You must file with the court before the hearing a proof of service of these documents on the person in ②.

(*For help with service, read Forms EA-142-INFO and EA-150-INFO.*)

This is a Court Order.



Your name: _____

Order to Both Parties on Service

15 **Time for Service**

A To: Person Asking for Order

Someone 18 or over—**not you or anyone protected by this order**—must personally “serve” a copy of this order on the person in ② at least _____ days before the hearing.

B To: Person Served With Order

If you want to respond in writing, someone 18 or over—**not you**—must “serve” Form EA-110 on the person in ①, then file it with the court at least _____ days before the hearing.

(For help with service or responding, read Forms EA-142-INFO and EA-151-INFO.)

16 No Fee to Notify (Serve) Restrained Person

If the sheriff or marshal serves this Order, he or she will do it for free.

Date: _____

Judicial Officer

Warnings and Notices to the Restrained Person in ②

You Cannot Have Guns or Firearms

17 If the court orders, you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get a gun while this 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 police any guns or firearms that you have or control in accordance with item ⑩ above. The court will require proof that you did so. If you do not obey this order, you can be charged with a crime.

18 After You Have Been Served With Restraining Order

- Obey all the orders.
- If you want to respond, fill out Form EA-110 and file it with the court clerk. You do not have to pay any fee to file your response.
- Serve Form EA-110 on the person in ① or that person’s attorney by the date listed in ⑮ of this form. You cannot serve the person in ①. The person who serves the person in ① should complete and sign a *Proof of Service*. Form EA-141 may be used for this purpose. You should take the completed form back to the court clerk before the hearing. Bring it with you to the hearing.
- In addition to the response, you may file and serve declarations signed by you and other persons who have personal knowledge of the facts. Form MC-030, *Declaration*, is available from the clerk’s office at the court shown on page 1 of this form. If you do not know how to prepare a declaration, you should see a lawyer. After you have filed the response with the clerk of the court, a copy must be delivered personally or by mail to the person in ② or to his or her lawyer.
- If you wish to oppose the request for orders, in addition to filing a response, you should be present at the hearing. If you have any witnesses, they must also go to the hearing.
- At the hearing, tell the judge if you agree or disagree with the orders requested.
- Even if you do not go to the hearing, the judge can make the restraining orders last for 3 years.

This is a Court Order.



Your name: _____

19 Notice Regarding Nonappearance at Hearing and Service of Order

If you have been personally served with a temporary restraining order and notice of hearing, but you do not appear at the hearing either in person or by a lawyer, and a restraining order that does not differ from the previous or temporary restraining order is issued at the hearing, a copy of the order will be served on you by mail at the following address (*insert the address of the person in 2*):

If that address is not correct or you wish to verify that the temporary order was made permanent without substantive change, contact the clerk of the court.

If both you and the person in 1 are personally present at the hearing where the order is issued, no additional proof of service will be required.

Instructions for Law Enforcement Agencies

20 This order is effective when made. It is enforceable anywhere 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 notified its existence on the California Law Enforcement Telecommunications System (CLETS). 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, the agency shall advise the restrained person of the terms of the order and they shall enforce it. Violations of this order are subject to criminal penalties.

Information for All Parties



Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpretation services are available if you ask at least 5 days before the hearing. Contact the clerk's office or go to www.courtinfo.ca.gov/forms for *Request for Accommodations by Person With Disabilities and Response* (Form MC-410). (Civil Code, § 54.8)

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate
[seal]

I certify that this *Notice of Hearing and Temporary Restraining Order* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

Response to Request for Elder or Dependent Adult Abuse Restraining Orders

Clerk stamps date here when form is filed.

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

Fill in case number:
Case Number:

Use this form to respond to the Request (Form EA-100).

- Read *How Can I Respond to a Request for Elder or Dependent Adult Abuse Restraining Orders?* (Form EA-120-INFO), to protect your rights.
- Fill out this form and take it to the court clerk.
- Have someone age 18 or older—**not you**—serve the person requesting protection in (1) by mail with a copy of this form and any attached pages. (Use Form EA-250, Proof of Service of Response by Mail.)

1 Elder or Dependent Adult Seeking Protection

Name: _____

Name of person asking for the protection, if different:
(This is the person named in item (3) of the request (Form EA-100).)

2 Person From Whom Protection Is Sought

a. Your Name: _____

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

Present your response and any opposition at the hearing. Write your hearing date, time, and place from Form EA-109, item (3) here:

Hearing Date → Date: _____ Time: _____
Dept.: _____ Room: _____

If you were served with a Temporary Restraining Order, you must obey it until the hearing. At the hearing, the court may make orders against you that last for up to five years.

3 Personal Conduct Orders

a. I agree to the orders requested.

b. I do not agree to the orders requested.

c. I agree to the following orders (specify): _____

4 Stay-Away Orders

a. I agree to the orders requested.

b. I do not agree to the orders requested.

c. I agree to the following orders (specify): _____



- 5** **Move-Out Order**
- a. I agree to the order requested.
 - b. I do not agree to the order requested.
 - c. I agree to the following order (*specify*): _____

- 6** **Additional Protected Persons**
- a. I agree that the persons listed in item **6** of Form EA-100 may be protected by the order requested.
 - b. I do not agree that the persons listed in item **6** of Form EA-100 may be protected by the order requested.

- 7** **Guns or Other Firearms**
- If you were served with Form EA-110, *Temporary Restraining Order*, and item **8** on that form was granted, you may not own or possess any guns, other firearms, or ammunition. You must turn in any guns or firearms that you own and file a receipt with the court from a law enforcement agency or a licensed gun dealer within 48 hours after you received Form EA-110. You may use Form EA-800, *Proof of Firearms Turned In or Sold*, for the receipt.**
- a. I do not own or control any guns or firearms.
 - b. I have turned in my guns and firearms to the police or sold them to a licensed gun dealer.
 A copy of the receipt is attached. has already been filed with the court.

- 8** **Other Orders**
- a. I agree to the orders requested.
 - b. I do not agree to the orders requested.
 - c. I agree to the following orders (*specify*): _____

- 9** **Denial**
- I did not do anything described in item **7** of Form EA-100. (*Skip to **11**.*)

- 10** **Justification or Excuse**
- If I did some or all of the things that the person in **1** has accused me of, my actions were justified or excused for the following reasons (*explain*):
- Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 10—Justification or Excuse" as a title. You may use Form MC-025, Attachment.* _____

11 **Lawyer's Fees and Costs**

- a. I ask the court to order payment of my lawyer's fees court costs by the person asking for protection named in **1**. The amounts requested are:

<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

- Check here if there are more items. Put the items and amounts on the attached sheet of paper or Form MC-025 and write "Attachment 11—Lawyer's Fees and Costs" as a title.
- b. I ask the court to deny the request of the person asking for protection named in **1** that I pay his or her lawyer's fees and costs.

12 Number of pages attached to this form, if any: _____

Date: _____

Lawyer's name (if any) ▶ _____
Lawyer's signature

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

Date: _____

Type or print your name ▶ _____
Sign your name

How Can I Respond to a Request for Elder or Dependent Adult Abuse Restraining Orders?

What is an elder or dependent adult abuse 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 the person who is protected by the order
- Stay away from that person and the person's home and workplace
- Move out of the place where you and that person are living together
- Not have any guns as long as the order is in effect

Who can ask for a restraining order?

A person who is being:

- Financially abused
- Abandoned or abducted
- Harmed
- Neglected
- Isolated
- Deprived by a caregiver of goods or services necessary to live on

A conservator may seek an order on behalf of an elder or dependent adult.

I've been served with a request for elder or dependent adult abuse 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 obey the order?

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

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 EA-120, *Response to Request for Elder or Dependent Adult Abuse 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 on the Internet at www.courts.ca.gov. You also may be able to find them at your local courthouse or county law library.

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 EA-120 to the person who asked for the order (or that person's lawyer). (This is called "service by mail.")

The person who serves the form by mail must fill out Form EA-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 EA-109, *Notice of Court Hearing*. If you do not go to the hearing, the judge can make orders against you without hearing from you.

EA-109 Notice of Court Hearing

Clerk stamps date here when form is filed.

① Elder or Dependent Adult in Need of Protection

a. Full Name: _____

Person requesting protection for the elder or dependent adult, if different (person named in item ② of Form EA-100):

Full Name: _____

Lawyer for person named above (if any for this case):

Name: _____ State Bar No.: _____

b. Firm Name: _____

Address for person named above (if you have a lawyer, give your lawyer's information. If you do not have a lawyer, give information for the person requesting the order. If you want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, and e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

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 Person You Want Protection From

Full Name: _____ Age: _____

The court will complete the rest of this form.

③ Notice of Hearing

A court hearing is scheduled on the request for restraining orders against the person in ②:

Hearing Date: _____ Date: _____ Time: _____

Dept.: _____ Room: _____

Name and address of court if different from above: _____

④ Temporary Restraining Orders (Any orders granted are on Form EA-110, served with this notice.)

a. Temporary Restraining Orders for personal conduct and stay away orders as requested in Form EA-100, Request for Orders to Stop Harassment, 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.)

This is a Court Order

Notice of Court Hearing
(Elder or Dependent Adult Abuse Prevention)

Judicial Council of California, www.courts.ca.gov
New January 1, 2012, Mandatory Form
Welfare & Institutions Code, § 15657.03
Approved by DCO

EA-109, Page 1 of 3



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 five 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 person who asked for the order at the court hearing?

Yes. Assume that the person who is asking for the order will attend the hearing. Do not talk to him or her 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.

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 may have to pay a fee for the interpreter. If an interpreter is not available for your court date, bring someone to interpret for you. You should ask someone age 18 or older to interpret for you.

What if I have a gun?

If a restraining order is issued, unless the order is to prevent financial abuse only, you cannot own, possess, or have a gun, other firearm, or ammunition while the order is in effect. If you have a gun or other firearm in your immediate possession or control, you must sell it to 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 protected person would have to file a request with the court to cancel the order.

What if I am deaf or hard of hearing?

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five court days before the hearing. Contact the clerk's office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons with Disabilities and Response* (Form MC-410). (Civ. Code, § 54.8.)

Clerk stamps date here when form is filed.

Person in ① must complete items ①, ② and ③ only.

① Protected Elder or Dependent Adult

a. Full Name: _____

Person requesting protection for the elder or dependent adult, if different (*person named in item ③ of Form EA-100*):

Full Name: _____

Lawyer for person named above (*if any for this case*):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (*If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.*):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

② Restrained Person

Full Name: _____

Description:

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

③ Additional Protected Persons

In addition to the elder or dependent adult named in ①, the following family or household members or conservator of the elder or dependent adult named in ① are protected by the orders indicated below.

Full Name	Sex	Age	Household Member?	Relation to Protected Person
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

Check here if there are additional protected persons. List them on an attached sheet of paper and write, "Attachment 3—Additional Protected Persons" as a title. You may use Form MC-025, Attachment.

④ Expiration Date

This Order, except for any award of lawyer's fees, expires at:

Time: _____ a.m. p.m. or midnight on (*date*): _____

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

This is a Court Order.



5 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 elder or dependent adult in need of protection
 - (2) The lawyer for the elder or dependent adult *(name)*: _____
 - (3) The person in ① asking for protection (if not the elder or dependent adult)
 - (4) The lawyer for the person in ① asking for protection *(name)*: _____
 - (5) The person in ②
 - (6) The lawyer for the person in ② *(name)*: _____
 - Additional persons present are listed at the end of this Order on Attachment 5.
- c. The hearing is continued. The parties must return to court on *(date)*: _____ at *(time)*: _____.

To the Person in ②:

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.

6 Personal Conduct Orders

- a. You must **not** do the following things to the elder or dependent adult named in ① :
 and to the other protected persons listed in ③ :
- (1) Physically abuse, financially abuse, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, harass, destroy the personal property of, or disturb the peace of the person.
 - (2) 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 e-mail, by text message, by fax, or by other electronic means.
 - (3) Take any action to obtain the person's address or location. If this item is not checked, the court has found good cause not to make this order.
 - (4) Other *(specify)*:
 Other personal conduct orders are attached at the end of this Order on Attachment 6a(4).

- 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.

7 Stay-Away Orders

- a. You **must** stay at least _____ yards away from *(check all that apply)*:
- (1) The elder or dependent adult in ①
 - (2) Each person in ③
 - (3) The home of the elder or dependent adult
 - (4) The job or workplace of the elder or dependent adult
 - (5) The vehicle of the elder or dependent adult
 - (6) Other *(specify)*: _____

This is a Court Order.

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

8 **Move-Out Order**

You must immediately move out from and not return to (*address*):

and must take only the personal clothing and belongings you need.

9 **No Guns or Other Firearms and Ammunition**

This Order must be granted unless the abuse is financial only.

a. **You 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. If you have not already done so, you must:

- Sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms in 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 that your guns or firearms have been turned in or sold. (*You may use Form EA-800, Proof of Firearms Turned In or Sold, for the receipt.*)

c. The court has received information that you own or possess a firearm.

10 **Financial Abuse**

This case does **not** does involve **solely financial abuse** unaccompanied by force, threat, harassment, intimidation, or any other form of abuse.

11 **Lawyer's Fees and Costs**

You must pay to the person in **1** the following amounts for: a. Lawyer's fees b. Court costs

<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

Additional amounts are attached at the end of this Order on Attachment 11.

12 **Other Orders** (*specify*):

Additional orders are attached at the end of this Order on Attachment 12.

This is a Court Order.

To the Person in ①:

⑬ 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, you or your 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 13.

⑭ Service of Order on Restrained Person

- a. The person in ② personally attended the hearing. No other proof of service is needed.
- b. The person in ① was at the hearing. The person in ② was not.
 - (1) Proof of service of Form EA-110, *Temporary Restraining Order*, was presented to the court. The judge's orders in this form are the same as in Form EA-110 except for the end date. The person in ② must be served with this Order. Service may be by mail.
 - (2) Proof of service of Form EA-110, *Temporary Restraining Order*, was presented to the court. The judge's orders in this form are different from the orders in Form EA-110. Someone—but not anyone in ① or ③—must personally serve a copy of this Order on the person in ②.

⑮ No Fee to Serve (Notify) Restrained Person

If the sheriff or marshal serves this Order, he or she will do so for free.

⑯ Number of pages attached to this Order, if any: _____

Date: _____

Judicial Officer

Warnings and Notice to the Restrained Person in ②:

You Cannot Have Guns or Firearms

If the court grants the orders in item ⑨ on page 3, you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this 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 as stated in item ⑨. The court will require you to prove that you did so.

This is a Court Order.

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 Orders System (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, 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 4 and *ends* on the expiration date in item ④ on page 1.

Arrest Required If Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of this order and has disobeyed it, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6. Agencies are encouraged to enter violation messages into CARPOS.

Notice/Proof of Service

The law enforcement agency must first determine if the restrained person had notice of the orders. Consider the restrained person served (given notice) if (Pen. Code, § 836(c)(2)):

- The officer sees a copy of the *Proof of Service* or confirms that the *Proof of Service* is on file; or
- The restrained person was at the restraining order hearing or was informed of the order by an officer.

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the restrained person cannot be verified and the restrained person was not present at the court hearing, the agency must advise the restrained person of the terms of the order and then enforce it.

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).)

Conflicting Orders

A protective order issued in a criminal case on Form CR-161 takes precedence in enforcement over any conflicting civil court order. (Pen. Code, § 136.2(e)(2).) Any nonconflicting terms of the civil restraining order remain in full force. An *Emergency Protective Order* (Form EPO-001) that is in effect between the same parties and is more restrictive than other restraining orders takes precedence over all other restraining orders. (Pen. Code, § 136.2.)

Clerk's Certificate
[seal]

(Clerk will fill out this part.)

Clerk's Certificate

I certify that this *Elder or Dependent Adult Abuse 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.

Clerk stamps date here when form is filed.

1 Elder or Dependent Adult in Need of Protection

Name: _____

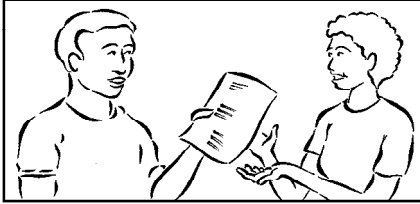
2 Person From Whom Protection Is Sought

Name: _____

3 Notice to Server

The server must:

- Be 18 years of age or older.
- Not be listed in items **1**, **3**, or **6** of form EA-100.
- Give a copy of all documents checked in **4** to the person in **2**. (You cannot send them by mail.) Then complete and sign this form and give or mail it to the person in **1**.



Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:**PROOF OF PERSONAL SERVICE****4** I gave the person in **2** a copy of the forms checked below:

- a. EA-109, *Notice of Court Hearing*
- b. EA-110, *Temporary Restraining Order*
- c. EA-100, *Request for Elder or Dependent Adult Abuse Restraining Orders*
- d. EA-120, *Response to Request for Elder or Dependent Adult Abuse Restraining Orders* (blank form)
- e. EA-120-INFO, *How Can I Respond to a Request for Elder or Dependent Adult Abuse Restraining Orders?*
- f. EA-130, *Elder or Dependent Adult Abuse Restraining Order After Hearing*
- g. EA-800, *Proof of Firearms Turned In or Sold* (blank form)
- h. Other (*specify*): _____

5 I personally gave copies of the documents checked above to the person in **2**:

- a. On (*date*): _____ b. At (*time*): _____ a.m. p.m.
- c. At this address: _____
City: _____ State: _____ Zip: _____

6 Server's Information

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

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

Date: _____

*Type or print server's name*_____
Server to sign here

What is “Service”?

Service is the act of giving your legal papers to the other party. There are many kinds of service—in person, by mail, and others. This form is about personal or “in-person service.” The *Request for Elder or Dependent Adult Abuse Restraining Orders* (Form EA-100), the *Notice of Court Hearing* (Form EA-109), and the *Temporary Restraining Order* (Form EA-110) must be served “in person.” That means that someone must personally “serve” (give) a copy of the forms to the person to be restrained. These forms cannot be served by mail.

Service lets the other person know:

- What orders you are asking for
- The hearing date
- How to respond

Why do I have to get the orders served?

- The police cannot arrest anyone for violating an order unless that person knows about the order.
- The judge cannot make the orders permanent unless the restrained person was served.

Who can serve?

Ask someone you know, a process server, or a law enforcement agency to personally serve (give) a copy of the forms to the person to be restrained. You **cannot** send the forms to that person by mail.

The server must:

- Be 18 years of age or older
- Not be you or anyone whom you are asking to be protected by the orders.

The sheriff or marshal may be authorized to serve the court’s orders **for free**.

A “registered process server” is a business you pay to deliver court forms. Look for “Process Serving” in the Yellow Pages or on the Internet.

(If a law enforcement agency or the process server uses a different proof-of-service form, make sure it lists the forms served.)



Don't serve it by mail!

How to serve

Ask the server to:

- Walk up to the person to be served.
- Make sure it is the right person. Ask the person’s name.
- Give the person copies of all papers checked on Form EA-200, *Proof of Personal Service*.
- Fill out and sign the *Proof of Personal Service* form.
- Give the signed *Proof of Personal Service* to you.

What if the person won’t take the papers or tears them up?

- If the person won’t take the papers, just leave them near him or her.
- It doesn’t matter if the person tears them up. Service is still

When do the orders have to be served?

It depends. To know the exact date, you have to look at two things on Form EA-109, *Notice of Court Hearing*:

First, look at the hearing date on page 1 of Form EA-109.

Next, look at the number of days in item ⑤ on page 2 of Form EA-109.

③ **Notice of Hearing**

Hearing Date → Date: _____
Dept.: _____

⑤ **Service of Documents By the Person in ①**

At least five _____ days before the hearing.

Look at a calendar. Subtract the number of days in ⑤ from the hearing date. That is the final date to have the orders served. It is always OK to serve earlier than that date.

If nothing is checked or written in ⑤, you must serve the orders at least five days before the hearing.

Who signs the *Proof of Personal Service*?

Only the person who serves the forms can sign Form EA-200, *Proof of Personal Service*. You do not sign it; the restrained person does not need to sign it.

What do I do with the completed *Proof of Personal Service*?

If someone other than the sheriff serves the papers, you should:

- Make several copies.
- File the original with the court before your hearing.
- Ask the clerk to enter it into the California Law Enforcement Telecommunications System (CLETS), a special computer system that lets police all over the state find out about the orders protecting you.
- If the clerk tells you that the court cannot enter it into the computer, take a copy of the *Temporary Restraining Order* (Form EA-110) and *Proof of Personal Service* (Form EA-200) to your local police. They will put the information into the state computer system. That way, police all over the state will know that your restraining order has been served.
- Bring a copy of the completed *Proof of Personal Service* to your hearing.
- Always keep an extra copy of the restraining orders with you for your safety.

If the sheriff serves the papers, he or she will send the proof of service to the court and CLETS for you.

What happens if I can't get the orders served before the hearing date?

Before your hearing, fill out and file Form EA-115, *Request Continue Court Hearing and to Reissue Temporary Restraining Order*. This form asks the court for a new hearing date and makes your orders last until then. Ask the clerk for the form. After the court has reissued the orders, attach a copy of Form EA-116, *Notice of New Hearing Date and Order on Reissuance*, to a copy of your original orders. Ask the clerk to enter Form EA-116 into CLETS, or the clerk may ask you or your attorney to deliver a copy to the police. That way, the police will know your orders are still in effect.

Clerk stamps date here when form is filed.

1 Elder or Dependent Adult Seeking Protection

Name: _____

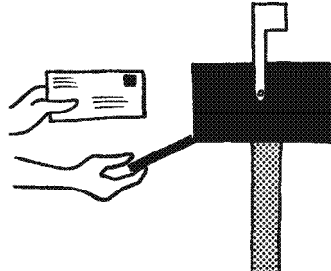
2 Person From Whom Protection Is Sought

Your Name: _____

3 Notice to Server

The server must:

- Be 18 years of age or older.
- Be a resident of or employed in the county where the mailing took place.
- Not be listed in items ①, ③, or ⑥ of Form EA-100.
- Mail a copy of all documents checked in ④ to the person in ①.
- Complete and sign this form and give it to the person in ②.



Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

PROOF OF SERVICE BY MAIL

4 I am 18 years of age or older and not a party to this proceeding. I live or am employed in the county where the mailing took place. I mailed the person in ① a copy of all documents checked below:

- a. Form EA-120, *Response to Request for Elder or Dependent Adult Abuse Restraining Orders* (completed)
- b. Other (*specify*): _____

5 I placed copies of the documents checked above in a sealed envelope and mailed them as described below:

- a. Mailed to (*name*): _____
- b. To this address: _____
City: _____ State: _____ Zip: _____
- c. On (*date*): _____ Mailed from: City: _____ State: _____

6 Server's Information

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

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

Date: _____

Type or print server's name

Server to sign here

Clerk stamps date here when form is filed.

You may serve Form EA-130, Elder or Dependent Adult Abuse Restraining Order After Hearing, on the restrained person by mail if the restrained person was not at the hearing and:

- Before the hearing, the restrained person was personally served with Form EA-110, Temporary Restraining Order, and proof of service of Form EA-110 was presented to the court at the hearing; and
- The judge's orders in Form EA-130 are the same as in Form EA-110 except for the expiration date.

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Protected Elder or Dependent Adult

Name: _____

2 Restrained Person

Name: _____

PROOF OF SERVICE BY MAIL

3 I am 18 years of age or older and am not a party to this proceeding or a person listed in item **3** of Form EA-130. I live or am employed in the county where the mailing took place. I mailed the restrained person a copy of:

- a. Form EA-130, *Elder or Dependent Adult Abuse Restraining Order After Hearing*
- b. Other (specify): _____

4 I placed copies of the documents above in a sealed envelope and mailed them as described below:

- a. Mailed to (name): _____
- b. To this address: _____
City: _____ State: _____ Zip: _____
- c. On (date): _____ Mailed from: City: _____ State: _____

5 Server's Information

Name: _____ Telephone: _____
 Address: _____
 City: _____ State: _____ Zip: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

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

Date: _____

Type or print server's name

▶ _____
Server to sign here

Clerk stamps below when form is filed.

Court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Protected Elder or Dependent Adult

a. Full Name: _____

Person requesting protection for the elder or dependent adult, if different (person named in item 3 of Form EA-100):

Full Name: _____

Lawyer for person named above (if any for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

2 Restrained Person

Full Name: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

3 Request to Renew Restraining Order

I ask the court to renew the *Elder or Dependent Adult Abuse Restraining Order After Hearing* (Form EA-130). A copy of the order is attached.

a. The order ends on (date): _____

b. This is my first request to renew the order.

The order has been renewed _____ times.

c. I want the order to be renewed for five years permanently

d. I ask the court to renew the order because (explain below):

Check here if there is not enough space for your answer. Attach a sheet of paper and write "Attachment 3d—Reasons to Renew Order" for a title. You may use Form MC-025, Attachment.

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

Date: _____

Type or print your name

Sign your name

This is not a Court Order.

Clerk stamps below when form is filed.

1 Protected Elder or Dependent Adult

a. Full Name: _____

Person requesting protection for the elder or dependent adult, if different (person named in item 3 of Form EA-100):

Full Name: _____

Lawyer for person named above (if any for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

Court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

2 Restrained Person

Full Name: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

To the Restrained Person:

3 Court Hearing

The judge has set a court hearing date. Court will fill in box below.

The current restraining order stays in effect until the end of the hearing.

Name and address of court if different from above:

Hearing Date

→ Date: _____ Time: _____

Dept.: _____ Room: _____

At the hearing, the judge can renew the current restraining order for up to another five years or make it permanent. You *must* continue to obey the current restraining order until the hearing. At the hearing, you can tell the judge if you do not want the order against you renewed. If the restraining order is renewed, you *must* obey the order even if you do not attend the hearing.

If you wish to make a written response to the request to renew the restraining order, you may fill out Form EA-720, *Response to Request to Renew Restraining Order*. File the original with the court before the hearing and have someone age 18 or older—**not you**—mail a copy of it to the person in 1 at the address in 1 at least _____ days before the hearing. Also file Form EA-250, *Proof of Service of Response by Mail*, with the court before the hearing.

This is a Court Order.



To the Protected Person:

4 Service and Response

Someone age 18 or older—**not you or anyone else protected by the restraining order**—must personally serve (give) a copy of the following forms on the restrained person at least _____ days before the hearing.

- EA-700, *Request to Renew Restraining Order*;
- EA-710, *Notice of Hearing to Renew Restraining Order* (this form);
- EA-720, *Response to Request to Renew Restraining Order* (blank copy);
- EA-130, the current *Elder or Dependent Adult Abuse Restraining Order After Hearing* for which renewal is requested.

After the restrained person has been served, file Form EA-200, *Proof of Personal Service*, with the court clerk. For help with service, read Form EA-200-INFO, *What Is “Proof of Personal Service”?*

Date: _____

Judicial Officer



Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk’s office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons with Disabilities and Response* (Form MC-410). (Civ. Code, § 54.8.)

This is a Court Order.

Clerk stamps date here when form is filed.

Use this form to respond to the Request to Renew Restraining Order (Form EA-700)

- Fill out this form and then take it to the court clerk.
- Have someone—**age 18 or older**—serve the person requesting protection in **(1)** by mail with a copy of this form and any attached pages. (Use Form EA-250, Proof of Service of Response by Mail).

1 Protected Elder or Dependent Adult

Name: _____

- Person requesting protection for the elder or dependent adult, if different (person named in item **(3)** of Form EA-100):

Name: _____

2 Restrained Person

a. Your Name: _____

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

- b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

3 Response

- a. I agree to extend the order.
- b. I do not agree to extend the order.
- c. I agree to the following order instead (specify below):
 - Check here if there is not enough space for your answer. Attach a sheet of paper and write "Attachment 3c—Order Requested" for a title. You may use Form MC-025, Attachment.

- d. I ask the court not to renew the order for the following reasons (specify below):
 - Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 3d—Reasons Not to Renew" for a title.

Court name and street address:
Superior Court of California, County of

Fill in case number:

Case Number:

The court will consider your *Response* at the hearing. Write your hearing date, time, and place from Form EA-710 item **(3)** here.

Hearing Date → Date: _____
Time: _____

Dept.: _____ Room: _____

You must continue to obey the current restraining order until the hearing.
At the hearing, the court can extend the order against you for up to another five years.



Case Number:

Date: _____

Lawyer's name, if you have one



Lawyer's signature

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

Date: _____

Type or print your name



Sign your name

Clerk stamps date here when form is filed.

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

Fill in case number:
Case Number:

1 Protected Elder or Dependent Adult

a. Full Name: _____

Person requesting protection for the elder or dependent adult, if different (person named in item 3 of Form EA-100):

Full Name: _____

Lawyer for person named above (if any for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

2 Restrained Person

Full Name: _____

Address (if known): _____ City: _____ State: _____ Zip: _____

3 Hearing

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

These people were at the hearing:

a. The protected person c. The lawyer for the protected person (name): _____

b. The restrained person d. The lawyer for the restrained person (name): _____

Additional persons present are listed on Attachment 3.

4 Renewal and Expiration

The request to renew the attached Elder or Dependent Adult Abuse Restraining Order After Hearing, originally issued on (date) _____, is:

a. **GRANTED.** The attached order is renewed and will now be in effect for:
 5 years permanently (the renewed restraining order must be attached to this form.)

The attached order will expire on:
(date): _____ (time): _____ a.m. p.m. or midnight

If no expiration date is written here, the order expires three years from the date of the hearing in item 3.
b. **DENIED.** The attached order expires as stated in item 4 of the order.

Date: _____

Judicial Officer

This is a Court Order.

Clerk stamps date here when form is filed.

1 Protected Elder or Dependent Adult

Name: _____

2 Restrained Person

a. Your Name: _____

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and you want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, and e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

3 To the Restrained Person:

If the court has ordered you to sell or turn in your firearms, you may use this form to prove to the court that you have obeyed its orders. When you deliver your unloaded weapons, ask the law enforcement officer or the licensed gun dealer to complete item 4 or 5 and item 6. After the form is signed, file it with the court clerk. Keep a copy for yourself. For help, read Form EA-800-INFO, *How do I Turn in or Sell my Firearms?*

4 To Law Enforcement

Fill out items 4 and 6 of this form. Keep a copy and give the original to the person who turned in the firearms.

The firearms listed in 6 were turned in on:

Date: _____ at: _____ a.m. p.m.

To: _____
Name and title of law enforcement agent

Name of law enforcement agency

Address

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

▶ _____
Signature of law enforcement agent

5 To Licensed Gun Dealer

Fill out items 5 and 6 of this form. Keep a copy and give the original to the person who sold the firearms to you.

The firearms listed in 6 were sold to me on:

Date: _____ at: _____ a.m. p.m.

To: _____
Name of licensed gun dealer

License number Telephone

Address

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

▶ _____
Signature of licensed gun dealer



6 Firearms

	<u>Make</u>	<u>Model</u>	<u>Serial Number</u>
a.	_____	_____	_____
b.	_____	_____	_____
c.	_____	_____	_____
d.	_____	_____	_____
e.	_____	_____	_____

Check here if you turned in or sold more firearms. Attach a sheet of paper and write "EA-800, Item 6—Firearms Turned In or Sold" for a title. Include make, model, and serial number of each firearm. You may use Form MC-025, Attachment.

7 Do you have, own, possess, or control any other firearms besides the firearms listed in 6? Yes No

If you answered yes, have you sold or transferred those other firearms? Yes No

If yes, check one of the boxes below:

a. I filed a Proof of Firearms Turned In or Sold for those firearms with the court on (date): _____ .

b. I am filing the proof for those firearms along with this proof.

c. I have not yet filed the proof for the other firearms. (explain why not):

Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper or Form MC-025 and write "Attachment 7c" for a title.

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

Date: _____

Type or print your name

▶ _____
Sign your name

1 What is a firearm?

A firearm is a:

- Handgun
- Rifle
- Shotgun
- Assault weapon

**2 If you own or have a firearm you must:**

- Turn it in to local law enforcement *or*
- Sell it to a licensed gun dealer

3 How do I sell my firearm?

Find a licensed gun dealer in your area.

Look under “Firearms Dealers” in your local Yellow Pages or on the Internet. Make sure the dealer is licensed.

4 How do I take my firearm to law enforcement?

Call your local law enforcement agency to ask about their procedures. Take a copy of the restraining order with you. Go directly to the law enforcement agency. Do not go anywhere else with firearms in your vehicle!

5 If I turn my firearm in to law enforcement, how long will they keep it?

Ask the law enforcement agency.

6 After I give my firearm to law enforcement, can I change my mind?

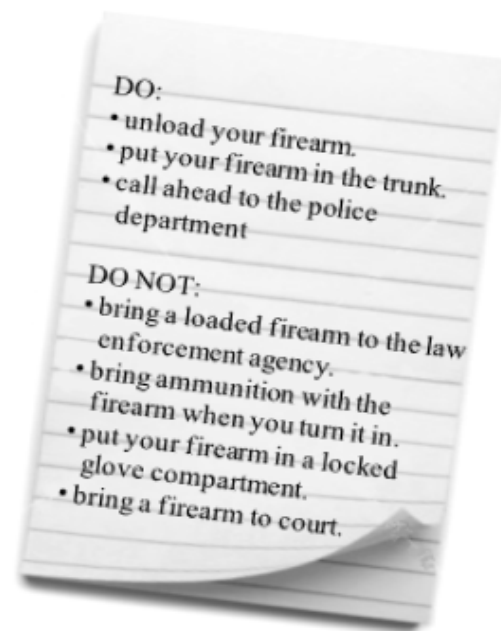
Yes. You are allowed to make one sale through a licensed gun dealer. To do this, a licensed gun dealer must present a bill of sale to your local law enforcement agency. The law enforcement agency will give the licensed gun dealer the firearm you are selling.

7 Do I have to pay the law enforcement agency to keep my firearm?

You may have to pay the agency for keeping your firearm. Contact your local law enforcement agency and ask if a fee is charged. The agency will tell you how much you need to pay.

8 Questions?

Call your local law enforcement agency:
(*insert local information here.*)



Clerk stamps date here when form is filed.

Read *How Do I Get a Private Postsecondary School Violence Restraining Order?* (Form SV-100-INFO) before completing this form. Also fill out *Confidential CLETS Information* (Form CLETS-001) with as much information as you know.

1 Petitioner (Educational Institution Officer or Employee)

a. Name: _____

- is the chief administrative officer
- an officer or employee designated by the chief administrative officer to maintain order on the campus or facility of (*name of private postsecondary educational institution*):

_____ and is filing this petition on behalf of the student in **2**.

b. Lawyer for Petitioner (*if any for this case*):

Name: _____ State Bar No.: _____

Firm Name: _____

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

c. Petitioner's Address (*If the petitioner has a lawyer, give the lawyer's information*):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____ E-Mail Address: _____

2 Student in Need of Protection

Full Name: _____

Sex: M F Age: _____

3 Respondent (Person From Whom Protection Is Sought)

Full Name: _____ Age: _____

Address (*if known*): _____

City: _____ State: _____ Zip: _____

4 Additional Protected Persons

a. Are you asking for protection for any family or household members or any other students at the campus or facility who are similarly in need of protection? Yes No *If yes, list them:*

<u>Full Name</u>	<u>Sex</u>	<u>Age</u>	<u>Household Member?</u>	<u>Relationship to Student</u>
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

Additional protected persons are listed in Attachment 4a.

This is not a Court Order.

- b. Why do these people need protection? (*Explain*): Response is stated in Attachment 4b.

5 Relationship of Student and Respondent

- a. How does the student know the respondent? (*Describe*): Response is stated in Attachment 5a.

- b. Respondent is is not a current student of petitioner's institution. (*Explain any decision to retain, expel, or otherwise discipline the respondent.*) Response is stated in Attachment 5b.

6 Venue

Why are you filing in this county? (*Check all that apply*):

- a. The respondent lives in this county.
 b. The respondent has caused physical or emotional injury to the student in this county.
 c. Other (*specify*): _____

7 Other Court Cases

- a. Has the student or any of the persons named in (4) been involved in another court case with the respondent?
 No Yes *If yes, check each kind of case and indicate where and when each was filed:*

	<u>Kind of Case</u>	<u>Filed in (County/State)</u>	<u>Year Filed</u>	<u>Case Number (if known)</u>
(1)	<input type="checkbox"/> Postsecondary School Violence	_____	_____	_____
(2)	<input type="checkbox"/> Civil Harassment	_____	_____	_____
(3)	<input type="checkbox"/> Domestic Violence	_____	_____	_____
(4)	<input type="checkbox"/> Divorce, Nullity, Legal Separation	_____	_____	_____
(5)	<input type="checkbox"/> Paternity, Parentage, Child Support	_____	_____	_____
(6)	<input type="checkbox"/> Eviction	_____	_____	_____
(7)	<input type="checkbox"/> Guardianship	_____	_____	_____
(8)	<input type="checkbox"/> Workplace Violence	_____	_____	_____
(9)	<input type="checkbox"/> Small Claims	_____	_____	_____
(10)	<input type="checkbox"/> Criminal	_____	_____	_____
(11)	<input type="checkbox"/> Other (<i>specify</i>): _____	_____	_____	_____

- b. Are there now any restraining orders or criminal protective orders in effect relating to the student or any of the persons in (4) and the respondent? No Yes *If yes, attach a copy if you have one.*

This is not a Court Order.

8 Description of Respondent's Conduct

- a. Respondent has (*check one or more*):
 - (1) Assaulted, battered, or stalked the student
 - (2) Made a credible threat of violence against the student by making knowing or willful statements or engaging in a course of conduct that served no legitimate purpose and that would place a reasonable person in fear for his or her safety or the safety of his or her immediate family
- b. One or more of these acts were made off the school campus or facility and can reasonably be understood (*check either or both*):
 - (1) To have been carried out at the school campus or facility
 - (2) To be carried out in the future at the school campus or facility

Address of campus or facility: _____

- c. Describe what happened. (*Provide details; include the dates of all incidents beginning with the most recent; tell who did what to whom; identify any witnesses*):

Response is stated in Attachment 8c.

- d. Was the student harmed or injured? Yes No *If yes, describe harm or injuries:*

Response is stated in Attachment 8d.

- e. Did the respondent use or threaten to use a gun or any other weapon? Yes No *If yes, describe:*

Response is stated in Attachment 8e.

This is not a Court Order.



f. For any of the incidents described above, did the police come? Yes No I don't know

If yes, did the student or the respondent receive an Emergency Protective Order?

Yes No I don't know

If yes: The order protects (check all that apply):

(1) The student (2) The respondent (3) One or more of the persons in (4)

Attach a copy of the order if you have one.

Check the orders you want.

9 Personal Conduct Orders

I ask the court to order the respondent **not** to do any of the following things to the student or to any person to be protected listed in (4):

- a. Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
- b. Make threats of violence to the person.
- c. Follow or stalk the person during school hours or to or from the school campus or facility.
- d. Contact the person, directly or indirectly, by **any** means, 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.
- e. Enter the person's school campus or facility.
- f. Other (specify):
 As stated in Attachment 9f.

The respondent will be ordered not to take any action to get the addresses or locations of any protected person unless the court finds good cause not to make the order.

10 Stay-Away Order

a. I ask the court to order the respondent to stay at least _____ yards away from (check all that apply):

- (1) The student
- (2) The other persons listed in (4)
- (3) The school
- (4) The student's home
- (5) The student's job or workplace
- (6) The school of the student's children
- (7) The place of child care of the student's children
- (8) The student's vehicle
- (9) Other (specify): _____

This is not a Court Order.

b. If the court orders the respondent to stay away from all the places listed above, will he or she still be able to get to his or her home, school, or job? Yes No *If no, explain:*
 Response is stated in Attachment 10b.

11 Guns or Other Firearms and Ammunition

Does the respondent own or possess any guns or other firearms? Yes No I don't know
If the judge grants a protective order, the respondent will be prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive a gun, other firearm, or ammunition while the protective order is in effect. The respondent will also be ordered to turn in to law enforcement or sell to a gun dealer any guns or firearms within his or her immediate possession or control.

12 Request for Immediate Orders Without Notice

Do you want the court to make any of these orders now that will last until the hearing without notice to the respondent? Yes No
If you answered yes, explain why:
 Response is stated in Attachment 12.

13 Request for Less Than Five-Days' Notice

You must have your papers personally served on the respondent at least five days before the hearing, unless the court orders a shorter time for service. (Form SV-200-INFO explains what is proof of personal service. Form SV-200, Proof of Personal Service, may be used to show the court that the papers have been served.)
If you want there to be fewer than five days between service and the hearing, explain why:
 Response is stated in Attachment 13.

14 No Fee for Filing

I ask that there be no filing fee because the respondent has threatened violence against the student, or stalked the student, or acted or spoken in a manner that has placed the student in reasonable fear of violence.

This is not a Court Order.

15 **No Fee to Serve Orders**

I ask the court to order the sheriff or marshal to serve the respondent with the orders for free because this request for orders is based on a credible threat of violence or stalking.

16 **Court Costs**

I ask the court to order the respondent to pay my court costs.

17 **Additional Orders Requested**

I ask the court to make the following additional orders (*specify*):

Additional orders requested are stated in Attachment 17.

18 Number of pages attached to this form, if any: _____

Date: _____

Lawyer's name (if any)

▶ _____
Lawyer's signature

I declare under penalty of perjury under the laws of the State of California that the information above and on all attachments is true and correct.

Date: _____

Name of petitioner

▶ _____
Signature

Title

I consent to the filing of this Petition.

Date: _____

Name of student

▶ _____
Signature

This is not a Court Order.

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 private 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 credible threats of violence that could be carried out on the school campus or facility. The procedure is only available with regard to students at private postsecondary institutions.

The court can order a person not to:

- Harass or threaten the student;
- Contact or go near the student; and
- Have a gun.

These orders will be enforced by law enforcement agencies.

Who can get this school violence protection order?

The chief administrative officer of a private 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 court orders prohibiting credible threats of violence against a student. 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 private postsecondary educational institution.
- A “postsecondary educational institution” is a private 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 CH00-INFO)?.

Who can be protected under this law?

Under this statute, the school officer can obtain a court order on behalf of a student that lasts 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 private 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 a credible threat of violence from any individual;
2. The credible threat of violence, while made off of the campus or facility, can reasonably be construed to be carried out or have been carried out at the school campus or facility;
3. 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
4. The respondent is not engaged in constitutionally protected activity.

What forms must be used to get the order?

The following forms are needed to start the process:

1. *Petition for Private 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 CLETS Information* (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. *Private 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 on the Internet at www.courts.ca.gov. 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 his or her 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 CLETS Information*, (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 the credible threats 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.



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 may have to pay a fee for the interpreter. If an interpreter will not be provided, you should ask someone who is not listed as a person to be protected on your Petition and who is over age 18 to interpret.
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"?*.
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.

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.



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, e-mails, 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 he or she 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.

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-220, *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 him or her 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.



Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five court days before the hearing. Contact the clerk's office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons with Disabilities and Response* (Form MC-410). (Civ. Code, § 54.8.)

For help in your area, contact:

[Local information may be inserted.]

California Law Enforcement Telecommunications System (CLETS) Information Form

Important Notice: This form MUST NOT become part of the public court file. It is confidential and private.

If the court issues a restraining order, this form will provide law enforcement with information that will assist them in enforcing it. Fill out as much of this form as you can and give it to the court clerk. The clerk will provide the confidential information on this form through CLETS into the California Restraining and Protective Order System (CARPOS), a statewide database that lets police know about your orders.

Case number for your restraining order (if you know it):

1 Student to Be Protected (Name): Sex: M F Height: Weight: Race: Hair Color: Eye Color: Age: Date of Birth: (Mailing address listed on restraining order) (City, state, zip) (Telephone number [optional]) Vehicle (type, model, year): Vehicle license number and state:

2 Person to Be Restrained (Name): Sex: M F Height: Weight: Race: Hair Color: Eye Color: Age: Date of Birth: (Residence address) (City, state, zip) (Telephone number) (Workplace) (Occupation/title) (Work hours) (Business address) (City, state, zip) (Telephone number) Driver's license number and state: Vehicle license number and state: Vehicle (type, model, year): Social Security number: Describe any marks, scars, or tattoos: Other names used by the restrained person:

3 Guns or Firearms Describe any guns or firearms you believe the restrained person owns or has access to (number, types, and locations):

4 Other People to Be Protected Name Date of Birth Sex Race

Continued on Attachment 4.

This is not a Court Order—Do not file in court file.

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: _____
 E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:**2 Student in Need of Protection**

Full Name: _____

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: _____	Name and address of court if different from above: _____ _____ _____
	Dept.: _____	Room: _____	
	_____	_____	

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 Private 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.)



b. Reasons that Temporary Restraining Orders as requested in Form SV-100, *Petition for Private Postsecondary School Violence Restraining Orders*, for personal conduct or stay away are denied are:

(1) The facts as stated in form SV-100 do not sufficiently show reasonable proof that the student has suffered a credible threat of violence made off the school campus or facility by the respondent, and that great or irreparable harm would result to the student if a temporary restraining order is not issued.

(2) Other (*specify*): As stated on Attachment 5b

6 Service of Documents by the Petitioner

At least five _____ days before the hearing, someone age 18 or older—**not you or anyone to be protected**—must personally give (serve) a court file-stamped copy of this Form SV-109, *Notice of Court Hearing*, to the respondent along with a copy of all the forms indicated below:

- a. SV-100, *Petition for Private Postsecondary School Violence Restraining Orders* (file-stamped)
- b. SV-110, *Temporary Restraining Order* (file-stamped) **IF GRANTED**
- c. SV-120, *Response to Petition for Private Postsecondary School Violence Restraining Orders* (blank form)
- d. SV-120-INFO, *How Can I Respond to a Petition for Private Postsecondary School Violence Restraining Orders?*
- e. SV-250, *Proof of Service of Response by Mail* (blank form)
- f. Other (*specify*): _____

Date: _____

Judicial Officer

To the Petitioner:

- The court cannot make the restraining orders after the court hearing unless the respondent has been personally given (served) a copy of your request and any temporary orders. To show that the respondent has been served, the person who served the forms must fill out a proof of service form. Form SV-200, *Proof of Personal Service*, may be used.
- For information about service, read Form SV-200-INFO, *What Is “Proof of Personal Service”?*
- If you are unable to serve the respondent in time, you may ask for more time to serve the documents. Use Form SV-115, *Request to Continue Court Hearing and to Reissue Temporary Restraining Order*.



To the Respondent:

- If you want to respond to the request for orders in writing, file Form SV-120, *Response to Request for Private Postsecondary School Violence Restraining Orders*, and have someone age 18 or older—**not you or anyone to be protected**—mail it to the petitioner.
- The person who mailed the form must fill out a proof of service form. Form SV-250, *Proof of Service of Response by Mail*, may be used. File the completed form with the court before the hearing and bring a copy with you to the court hearing.
- Whether or not you respond in writing, go to the hearing if you want the judge to hear from you before making an order. You may tell the judge why you agree or disagree with the orders requested.
- You may bring witnesses and other evidence.
- **At the hearing, the judge may make restraining orders against you that could last up to three years and may order you to sell or turn in any firearms that you own or possess.**



Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk’s office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons with Disabilities and Response* (Form MC-410). (Civ. Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk's Certificate—

I certify that this *Notice of Court Hearing* is a true and correct copy of the original on file in the court.

Clerk's Certificate
[seal]

Date: _____

Clerk, by _____, Deputy

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: _____

E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of

2 Student (Protected Person)

Full Name: _____

3 Respondent (Restrained Person)

Full Name: _____

Description:

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

Court fills in case number when form is filed.

Case Number:

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:

<u>Full Name</u>	<u>Sex</u>	<u>Age</u>	<u>Household Member?</u>	<u>Relation to Student</u>
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

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

5 Expiration Date

This Order expires at the end of the hearing scheduled for the date and time below:

Date: _____	Time: _____	<input type="checkbox"/> a.m. <input type="checkbox"/> p.m.
-------------	-------------	---

This is a Court Order.



To the Respondent:

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

6 Personal Conduct Orders

Not Requested Denied Until the Hearing Granted as Follows:

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, 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, directly or indirectly, in **any** way, including but not limited to, in person, by telephone, in writing, by public or private mail, by e-mail, by fax, or by other electronic means.
- (5) Enter the person's school.
- (6) Take any action to obtain the person's addresses 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 6a(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. However, you may have your papers served by mail on the petitioner.

7 Stay-Away Order

Not Requested Denied Until the Hearing Granted as Follows:

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.

This is a Court Order.



8 No Guns or Other Firearms and Ammunition

- a. You 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. You must:
 - (1) Sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms in your immediate possession or control. This must be done within 24 hours of being served with this Order.
 - (2) File a receipt with the court within 48 hours of receiving this Order that proves that your guns or firearms have been turned in or sold. (*You may use Form SV-800, Proof of Firearms Turned In or Sold, for the receipt.*)
- c. The court has received information that you own or possess a firearm.

9 Other Orders

Not Requested **Denied Until the Hearing** **Granted as Follows** (*specify*):

Additional orders are attached at the end of this Order on Attachment 9.

To the Petitioner:

10 Mandatory Entry of Order Into CARPOS Through CLETS

This Order must be entered into the California Restraining and Protective Orders 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 agencies 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 10.

11 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 a credible threat of violence or stalking.
- b. The petitioner is entitled to a fee waiver.

This is a Court Order.



12 Number of pages attached to this Order, if any: _____

Date: _____

Judicial Officer

Warnings and Notices to the Respondent:

You Cannot Have Guns or Firearms

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this 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 as stated in item 8 above. The court will require you to prove that you did so.

Notice Regarding Nonappearance at Hearing and Service of Order

If you have been personally served with this Temporary Restraining Order and Form SV-109, *Notice of Court Hearing* but you do not appear at the hearing either in person or by a lawyer, and a restraining order that is the same as this Temporary Restraining Order except for the expiration date is issued at the hearing, a copy of the order will be served on you by mail at the address in item 3 .

If this address is not correct or you wish to verify that the Temporary Restraining Order was converted into a restraining order at the hearing without substantive change, and to find out the duration of the order, contact the clerk of the court.

After You Have Been Served With a Restraining Order

- Obey all the orders.
- Read Form SV-120-INFO, *How Can I Respond to a Petition for Orders to Stop Private Postsecondary School Violence?*, to learn how to respond to this Order.
- If you want to respond, fill out Form SV-120, *Response to Petition for Orders to Stop Private Postsecondary School Violence*, and file it with the court clerk. You do not have to pay any fee to file your response if the petition claims that you threatened violence against or stalked the student, or placed the student in reasonable fear of violence.
- You must have Form SV-120 served on the petitioner or the petitioner’s attorney by mail. You cannot do this yourself. The person who does the service should complete and sign Form SV-250, *Proof of Service of Response by Mail*. File the completed proof of service with the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and have declarations served, signed by you and other persons who have personal knowledge of the facts. You may use Form MC-030, *Declaration*, for this purpose. It is available from the clerk’s office at the court shown on page 1 of this form or at www.courts.ca.gov/forms. If you do not know how to prepare a declaration, you should see a lawyer.
- Whether or not you file a response, you should attend the hearing. If you have any witnesses, they must also go to the hearing.
- At the hearing, the judge can make restraining orders against you that last for up to three years. Tell the judge why you disagree with the orders requested.

This is a Court Order.



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 Orders System (CARPOS). If the law enforcement agency has not received proof of service on the restrained person, 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 4. The order *ends* on the expiration date in item 5 on page 1.

Arrest Required if Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6. Agencies are encouraged to enter violation messages into CARPOS.

Notice/Proof of Service

The law enforcement agency must first determine if the restrained person had notice of the Order. Consider the restrained person "served" (noticed) if (Pen. Code, § 836(c)(2).):

- The officer sees a copy of the Proof of Service or confirms that the Proof of Service is on file; or
- The restrained person was informed of the order by an officer.

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the restrained person cannot be verified, the agency must advise the restrained person of the terms of the order and then enforce it.

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).)

Conflicting Orders

A protective order issued in a criminal case on Form CR-161 takes precedence in enforcement over any conflicting civil court order. (Pen. Code, § 136.2(e)(2).) Any nonconflicting terms of the civil restraining order remain in full force. An *Emergency Protective Order* (Form EPO-001) that is in effect between the same parties and is more restrictive than other restraining orders takes precedence over all other restraining orders. (Pen. Code, § 136.2.)

This is a Court Order.



Case Number: _____

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate
[seal]

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

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

Request to Continue Court Hearing and to Reissue Temporary Restraining Order

Clerk stamps date here when form is filed.

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

Fill in case number:
Case Number:

1 Petitioner (Educational Institution Office 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: _____
E-Mail Address: _____

Student in Need of Protection

Full Name: _____

3 Respondent (Person From Whom Protection Is Sought)

Full Name: _____
Address (if known): _____
City: _____ State: _____ Zip: _____

4 Request to Continue Hearing and to Reissue Temporary Restraining Order

I ask the court to continue the hearing currently scheduled for (date): _____
and to reissue the attached *Temporary Restraining Order* (Form SV-110).

- a. The attached order was issued on (date): _____ without notice to the respondent.
- b. I request that the Temporary Restraining Order be reissued because (check one or both):
 - (1) I could not get the order served before the hearing date
 - (2) Otherfor the reasons stated below on Attachment 3b

- c. (1) This is the first request to reissue the Order.
- (2) The Order has been previously reissued _____ times.

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

Date: _____

Type or print your name

Sign your name

This is not a Court Order.

Clerk stamps date here when form is filed.

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

Fill in case number:
Case Number:

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: _____
E-Mail Address: _____

2 Student in Need of Protection

Full Name: _____

3 Respondent (Person From Whom Protection Is Sought)

Full Name: _____

4 New Hearing Date

a. A hearing in this case is currently set for (date): _____ at (time): _____

b. The court orders a new hearing date:

- (1) at the request of the petitioner
- (2) at the request of the respondent
- (3) in its discretion

c. Because:

- (1) the respondent could not be served before the current hearing date.
- (2) the parties have agreed to postpone the hearing and ask for a new hearing date.
- (3) for the reasons stated below on Attachment 4c

5 Order for Continuance and Notice of Hearing

The court hearing on the *Request for Private Postsecondary School Violence Restraining Orders (Form SV-100)* is continued and rescheduled:

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

This is a Court Order.

6 Reissuance of Temporary Restraining Order

- a. No temporary restraining order was issued in this case.
- b. The request to reissue the temporary restraining order is **GRANTED**.
The attached *Temporary Restraining Order* (Form SV-110) is reissued.
- c. The request to reissue the temporary restraining order is **DENIED**.
 for the reasons stated below on Attachment 6c

Warning and Notice to the Respondent:

If the request to reissue the Temporary Restraining Order is GRANTED in 6b, you must continue to obey the attached *Temporary Restraining Order* until the end of the hearing scheduled in ④ .

7 Expiration Date

If 6b is checked, the attached *Temporary Restraining Order* expires at the end of the hearing scheduled in ⑤ .

8 Service of Order

- a. A copy of this Order must be served by the requesting party on the other party at least ___ days before the hearing, along with the other documents requesting private postsecondary school violence restraining orders. If reissuance is denied in item 6c, a copy of the *Temporary Restraining Order* (Form SV-110) must NOT be attached and served.
- b. No further service of this Order is required because both parties were present at the initial hearing date in item 4a, and both were given a signed copy of this Order.
- c. The court will serve a copy of this Order on the parties.

9 No Fee to Serve (Notify) Respondent Ordered Not Ordered

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

- a. The Order is based on a credible threat of violence or stalking.
- b. The petitioner is entitled to a fee waiver.

This is a Court Order.

10 Entry of Order Into CARPOS Through CLETS

If the Temporary Restraining Order has been reissued (item 6b is checked), this Order must be entered into the California Restraining and Protective Orders 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:

<u>Name of Law Enforcement Agency</u>	<u>Address (City, State, Zip)</u>

Additional law enforcement agencies are listed at the end of this Order in Attachment 10.

Date: _____

Judicial Officer



Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk’s office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons with Disabilities and Response* (Form MC-410). (Civ. Code, § 54.8.)

(Clerk will fill out this part.)
—Clerk’s Certificate—

Clerk’s Certificate
[seal]

I certify that this *Notice of New Hearing Date and Order on Reissuance* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

Response to Petition for Private Postsecondary School Violence Restraining Orders

Clerk stamps date here when form is filed.

Use this form to respond to the *Petition* (Form SV-100)

- Read *How Can I Respond to a Petition for Private Postsecondary School Violence Restraining Orders (Form SV-120-INFO)?*, to protect your rights.
- Fill out this form and take it to the court clerk.
- Have someone age 18 or older—not you—serve the petitioner or the petitioner’s lawyer by mail with a copy of this form and any attached pages. (*Use Form SV-250, Proof of Service of Response by Mail.*)

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Petitioner (Educational Institution Officer or Employee)

Name: _____

2 Student Seeking Protection

Full Name: _____

3 Respondent (Person From Whom Protection Is Sought)

a. Your Name: _____

Your Lawyer (*if you have one for this case*):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (*you may give a mailing address if you want to keep your street address private; skip this if you have a lawyer*):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

The court will consider your response at the hearing. Write your hearing date, time, and place from Form SV-109, item ④ here:

Hearing Date → Date: _____ Time: _____
 Dept.: _____ Room: _____

If you were served with a Temporary Restraining Order, you must obey it until the hearing. At the hearing, the court may make orders against you that last for up to three years.

4 Personal Conduct Orders

- a. I agree to the orders requested.
- b. I do not agree to the orders requested.
- c. I agree to the following orders (*specify*): _____

5 Stay-Away Orders

- a. I agree to the orders requested.
- b. I do not agree to the orders requested.
- c. I agree to the following orders (*specify*): _____

6 **Additional Protected Persons**

- a. I agree that the persons listed in item **4** of the Petition may be protected by the order requested.
- b. I do not agree that the persons listed in item **4** of the Petition may be protected by the order requested.

7 **Firearms Prohibition and Relinquishment**

If you were served with Form SV-110, *Temporary Restraining Order*, you cannot own or possess any guns, other firearms, or ammunition. You must turn in any guns or firearms in your immediate possession or control and file a receipt with the court from a law enforcement agency or a licensed gun dealer within 48 hours after you received Form SV-110. (See item **8 of Form SV-110.) You may use Form SV-800, *Proof of Firearms Turned In or Sold*, for the receipt.**

- a. I do not own or control any guns or other firearms.
- b. I have turned in my guns and firearms to the police or to a licensed gun dealer.
A copy of the receipt is attached. has already been filed with the court.

8 **Other Orders**

- a. I agree to the orders requested.
- b. I do not agree to the orders requested.
- c. I agree to the following orders (*specify*): _____

9 **Denial**

I did not do anything described in item **8** of Form SV-100. (*Skip to **11**.*)

10 **Justification or Excuse**

If I did some or all of the things that the petitioner has accused me of, my actions were justified or excused for the following reasons (*explain*):

- Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "SV-120, item 10—Justification or Excuse" for a title.*



11 **No Fee for Filing**

- a. I ask the court to waive the filing fee because the petitioner claims in Form SV-100 item **14** to be entitled to free filing.
- b. I request that I not be required to pay the filing fee because I am eligible for a fee waiver. (*Form FW-001, Request to Waive Court Fees, must be filed separately.*)

12 **Costs**

- a. I ask the court to order the petitioner to pay my court costs.

The amounts requested are:

<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

- Check here if there are more items. Put the items and amounts on the attached sheet of paper or Form MC-025 and write "Attachment 12—Costs" for a title.*
- b. I ask the court to deny the request of the person asking for protection that I pay his or her lawyer's fees and costs.

13 Number of pages attached to this form, if any: _____

Date: _____

Lawyer's name (if any)

▶ _____
Lawyer's signature

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

Date: _____

Type or print your name

▶ _____
Sign your name

How Can I Respond to a Petition for Private Postsecondary School Violence Restraining Orders?

What is a private postsecondary school violence restraining order?

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

What does the order do?

The court can order you to:

- Not contact the student who is protected by the order
- Stay away from the student and the student’s home, school, and other places
- Not have any guns as long as the order is in effect

Who can ask for a private postsecondary school violence restraining order?

A school official at a private postsecondary school can ask for an order on behalf of an adult student who is worried about his or her safety because he or she has suffered a credible threat of violence that could be carried out on the school campus or facility.

I've been served with a petition for private postsecondary school 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 obey the order?

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

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 SV-120, *Response to Petition for Private Postsecondary School 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 on the Internet at www.courts.ca.gov. You also may be able to find them at your local courthouse or county law library.

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 SV-120 to the person named in item ① of the petition Form SV-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 SV-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 SV-109, *Notice of Court Hearing*. If you do not go to the hearing, the judge can make orders against you without hearing from you.

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: _____
 E-Mail Address: _____

② **Student in Need of Protection**
 Full Name: _____

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: _____	Name and address of court if different from above: Dept.: _____ Room: _____
-----------------	-------------	-------------	--

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 Private 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, www.courts.ca.gov
 Revised January 1, 2012, Mandatory Form
 Code of Civil Procedure, § 527.85
 Approved by DOJ

Notice of Court Hearing
(Private Postsecondary School Violence Prevention)

SV-109, Page 1 of 3



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 student at the court hearing?

Yes. Assume that the student will attend the hearing. Do not talk to him or her unless the judge or his or her lawyer says 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.

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 may have to pay a fee for the interpreter. If an interpreter is not available for your court date, bring someone to interpret for you. You should ask someone age 18 or older to interpret for you.

What if I have a gun?

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

Can I agree with the student to cancel the order?

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

What if I am deaf or hard of hearing?

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five court days before the hearing. Contact the clerk's office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons with Disabilities and Response* (Form MC-410). (Civ. Code, § 54.8.)

Private Postsecondary School Violence Restraining Order After Hearing

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

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: E-Mail Address:

2 Student (Protected Person)

Full Name:

3 Respondent (Restrained Person)

Full Name:

Description:

Sex: M F Height: Weight: Date of Birth: Hair Color: Eye Color: Age: Race: Home Address (if known): City: State: Zip: Relationship to Student:

4 Additional Protected Persons

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

Table with columns: Full Name, Sex, Age, Household Member?, Relation to Student. Includes Yes/No checkboxes.

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

5 Expiration Date

This Order expires at:

Time: a.m. p.m. or midnight on (date):

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 6.
- 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, 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 while going to or from the school.
 - (4) Contact the person, 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.
 - (5) Enter the person's school.
 - (6) Take any action to obtain the person's addresses 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 Order**

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 Guns or Other Firearms and Ammunition**

a. **You 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. If you have not already done so, you must:

- (1) Sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms in your immediate possession or control. This must be done within 24 hours of being served with this Order.
- (2) File a receipt with the court within 48 hours of receiving this Order that proves guns have been turned in or sold. (*You may use Form SV-800, Proof of Firearms Turned In or Sold, for the receipt.*)

c. The court has received information that you own or possess a firearm.

10 **Costs**

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

<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

Additional items and amounts are attached at the end of this Order on Attachment 10.

11 **Other Orders** (*specify*):

Additional orders are attached at the end of this Order on Attachment 11.

This is a Court Order.

To the Petitioner:

12 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 12.

13 Service of Order on Respondent

- a. The petitioner personally attended the hearing. 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.

14 No Fee to Serve (Notify) Restrained Person

The sheriff or marshal will serve this Order without charge because the Order is based on a credible threat of violence or stalking.

15 Number of pages attached to this Order, if any: _____

The Order is based on actual violence, a credible threat of violence, or stalking.

The petitioner is entitled to a fee waiver.

Date: _____

Judicial Officer

This is a Court Order.



Warning and Notice to the Respondent:

You Cannot Have Guns or Firearms

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this 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 as stated in item ⑨. 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). 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, 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 4 and *ends* on the expiration date in item ⑤ on page 1.

Arrest Required If Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of this order and has disobeyed it, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6. Agencies are encouraged to enter violation messages into CARPOS.

Notice/Proof of Service

The law enforcement agency must first determine if the restrained person had notice of the orders. Consider the restrained person served (given notice) if (Pen. Code, § 836(c)(2)):

- The officer sees a copy of the *Proof of Service* or confirms that the *Proof of Service* is on file; *or*
- The restrained person was at the restraining order hearing or was informed of the order by an officer.

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the restrained person cannot be verified and the restrained person was not present at the court hearing, the agency must advise the restrained person of the terms of the order and then enforce it.

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

A protective order issued in a criminal case on Form CR-161 takes precedence in enforcement over any conflicting civil court order. (Pen. Code, § 136.2(e)(2).) Any nonconflicting terms of the civil restraining order remain in full force. An *Emergency Protective Order* (Form EPO-001) that is in effect between the same parties and is more restrictive than other restraining orders takes precedence over all other restraining orders. (Pen. Code, § 136.2.)

(Clerk will fill out this part.)

Clerk's Certificate
[seal]

—Clerk's Certificate—

I certify that this *Private 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.

Clerk stamps date here when form is filed.

1 Petitioner (Educational Institution Officer or Employee)

Name: _____

2 Student in Need of Protection

Name: _____

3 Respondent (Person From Whom Protection Is Sought)

Name: _____

4 Notice to Server

The server must:

- Be 18 years of age or older.
- Not be listed in items **1**, **2**, or **4** of Form SV-100.
- Give a copy of all documents checked in **5** below to the respondent. (You cannot send them by mail.) Then complete and sign this form and give or mail it to the petitioner.

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:**PROOF OF PERSONAL SERVICE****5** I gave the respondent a copy of the forms checked below:

- a. SV-109, *Notice of Court Hearing*
- b. SV-110, *Temporary Restraining Order*
- c. SV-100, *Petition for Private Postsecondary School Violence Restraining Orders*
- d. SV-120, *Response to Petition for Private Postsecondary School Violence Restraining Orders* (blank form)
- e. SV-120-INFO, *How Can I Respond to a Petition for Private Postsecondary School Violence Restraining Orders?*
- f. SV-130, *Private Postsecondary School Violence Restraining Order After Hearing*
- g. SV-800, *Proof of Firearms Turned In or Sold* (blank form)
- h. Other (*specify*): _____

6 I personally gave copies of the documents checked above to the respondent

- a. On (*date*): _____ b. At (*time*): _____ a.m. p.m.
- c. At this address: _____
City: _____ State: _____ Zip: _____

7 Server's Information

Name: _____ Telephone: _____

Address: _____

City: _____ State: _____ Zip: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

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

Date: _____

Type or print server's name

Server to sign here

What is “Service”?

Service is the act of giving legal papers to the other party. There are many kinds of service—in person, by mail, and others. This form is about personal or “in-person” service. The *Petition for Orders to Stop Private Postsecondary School Violence* (Form SV-100), the *Notice of Court Hearing* (Form SV-109), and the *Temporary Restraining Order* (Form SV-110) must be served in person. That means that someone must personally “serve” (give) a copy of the forms to the person to be restrained. These forms cannot be served by mail.

Service lets the other person know:

- What orders you are asking for
- The hearing date
- How to respond

Why do I have to get the orders served?

- The police cannot arrest anyone for violating an order unless that person knows about the order.
- The judge cannot make the orders permanent unless the restrained person was served.

Who can serve?



Don't serve it by mail!

Ask someone you know, a process server, or a law enforcement agency to personally serve (give) a copy of the forms to the person to be restrained. You **cannot** send the forms to that person by mail.

The server must:

- Be 18 years of age or older
- Not be you or anyone whom you are asking to be protected by the orders

The sheriff or marshal may be authorized to serve the court's orders **for free** if the orders are based on claims of stalking or a credible threat of violence, or if you are eligible for a fee waiver.

A registered process server is a business you pay to deliver court forms. Look for “Process Serving” in the Yellow Pages or on the Internet.

(If a law enforcement agency or the process server uses a different proof-of-service form, make sure it lists the forms served.)

How to serve

Ask the server to:

- Walk up to the person to be served.
- Make sure it is the right person. Ask the person's name.
- Give the person copies of all papers checked on Form SV-200, *Proof of Personal Service*.
- Fill out and sign the *Proof of Personal Service*.
- Give the signed *Proof of Personal Service* to you.

What if the person won't take the papers or tears them up?

- If the person will not take the papers, just leave them near him or her.
- It does not matter if the person tears them up. Service is still complete.

When do the orders have to be served?

It depends. To know the exact date, you have to look at two things on Form SV-109, *Notice of Court Hearing*.

First, look at the hearing date on page 1 of Form SV-109.

④ Notice of Hearing

Hearing Date → Date: _____
Dept.: _____

Next, look at the number of days in item ⑥ on page 2 of Form SV-109.

⑥ Service of Documents By the Person in ①

At least five _____ days before the hearing,

Look at a calendar. Subtract the number of days in ⑥ from the hearing date. That is the final date to have the orders served. It is always OK to serve earlier than that date.

If nothing is checked or written in ⑥, you must serve the orders at least five days before the hearing.

Who signs the *Proof of Personal Service*?

Only the person who serves the forms can sign Form SV-200, *Proof of Personal Service*. You do not sign it; the restrained person does not need to sign it.

What do I do with the completed *Proof of Personal Service*?

If someone other than the sheriff serves the papers, you should:

- Make several copies.
- File the original with the court before your hearing.
- Ask the clerk to enter it into the California Law Enforcement Telecommunications System (CLETS), a special computer system that lets police all over the state find out about the orders protecting you.
- If the clerk tells you that the court cannot enter it into the computer, take a copy of the *Temporary Restraining Order* (Form SV-110) and *Proof of Personal Service* (Form SV-200) to your local police. They will put the information into the state computer system. That way, police all over the state will know that your restraining order has been served.
- Bring a copy of the completed *Proof of Personal Service* to your hearing.
- Always keep an extra copy of the restraining orders with you for your safety.

If the sheriff serves the papers, he or she will send the proof of service to the court and CLETS for you.

What happens if I can't get the orders served before the hearing date?

Before your hearing, fill out and file Form SV-115, *Request to Continue Court Hearing and to Reissue Temporary Restraining Order*. This form asks the court for a new hearing date and makes your orders last until then. Ask the clerk for the form. After the court has reissued the orders, attach a copy of Form SV-116, *Notice of New Hearing Date and Order on Reissuance*, to a copy of your original orders. Ask the clerk to enter Form SV-116 into CLETS, or the clerk may ask you or your attorney to deliver a copy to the police. That way, the police will know your orders are still in effect.

Clerk stamps date here when form is filed.

1 Petitioner (Educational Institution Officer or Employee)

Name: _____

2 Student in Need of Protection

Name: _____

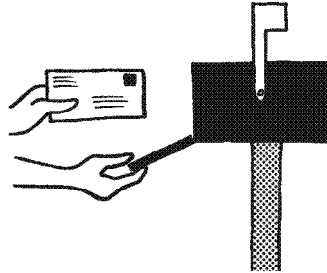
3 Respondent (Person From Whom Protection Is Sought)

Name: _____

4 Notice to Server

The server must:

- Be 18 years of age or older.
- Be a resident of or employed in the county where the mailing took place.
- Not be the respondent.
- Mail a copy of all documents checked in **5** below to the petitioner or the petitioner's lawyer.
- Complete and sign this form and give it to the respondent.



Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

PROOF OF SERVICE BY MAIL

5 I am 18 years of age or older and not a party to this proceeding. I live or am employed in the county where the mailing took place. I mailed the petitioner or the petitioner's lawyer a copy of:

- a. Form SV-120, *Response to Petition for Private Postsecondary School Violence Restraining Orders* (completed)
 b. Other (specify): _____

6 I placed copies of the documents listed above in a sealed envelope and mailed them as described below:

- a. Mailed to (name): _____
 b. To this address: _____
 City: _____ State: _____ Zip: _____
 c. On (date): _____ Mailed from: City: _____ State: _____

7 Server's Information

Name: _____ Telephone: _____

Address: _____

City: _____ State: _____ Zip: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

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

Date: _____

Type or print server's name

▶ _____
Server to sign here

Clerk stamps date here when form is filed.

You may serve Form SV-130, Private Postsecondary School Violence Restraining Order After Hearing on the respondent by mail if the respondent was not at the hearing and:

- Before the hearing, the respondent was personally served with Form SV-110, Temporary Restraining Order, and proof of service of Form SV-110 was presented to the court at the hearing; and
- The judge's orders in Form SV-130 are the same as in Form SV-110 except for the expiration date.

Fill in court name and street address:

Superior Court of California, County of _____

Fill in case number:

Case Number: _____

1 Petitioner (Educational Institution Officer or Employee)

Name: _____

2 Student (Protected Person)

Name: _____

3 Respondent (Restrained Person)

Name: _____

PROOF OF SERVICE BY MAIL

4 I am 18 years of age or older and live or am employed in the county where the mailing took place. I am not the petitioner, the student, or any person listed in item **4** of Form SV-130. I mailed the respondent a copy of:

a. Form SV-130, *Private Postsecondary School Violence Restraining Order After Hearing*b. Other (*specify*): _____

5 I placed copies of the documents above in a sealed envelope and mailed them as described below:

a. Mailed to (*name*): _____

b. To this address: _____

City: _____ State: _____ Zip: _____

c. On (*date*): _____ Mailed from: City: _____ State: _____**6 Server's Information**

Name: _____ Telephone: _____

Address: _____

City: _____ State: _____ Zip: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

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

Date: _____

*Type or print server's name*_____
Server to sign here

Clerk stamps below when form is filed.

Court name and street address:
Superior Court of California, County of

Fill in case number:

Case Number:

1 Petitioner (School Official)

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: _____

E-Mail Address: _____

2 Student (Protected Person)

Full Name: _____

3 Respondent (Restrained Person)

Full Name: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

4 Request to Renew Restraining Order

I ask the court to renew the *Private Postsecondary School Violence Restraining Order After Hearing* (Form SV-130). A copy of the order is attached.

a. The order ends on (date): _____

b. This is my first request to renew the order.

The order has been renewed _____ times.

c. I want the order to be renewed for three years other (specify): _____

d. I ask the court to renew the order because (explain below): Response is stated in Attachment 4d.

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

Date: _____

Type or print your name

Sign your name

This is not a Court Order.

Clerk stamps below when form is filed.

1 Petitioner (School Official)

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: _____

E-Mail Address: _____

Court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

2 Student (Protected Person)

Full Name: _____

3 Respondent (Restrained Person)

Full Name: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

To the Respondent:

4 Court Hearing

The judge has set a court hearing date. Court will fill in box below.

The current restraining order stays in effect until the end of the hearing.

Name and address of court if different from above:

Hearing Date → Date: _____ Time: _____

Dept.: _____ Room: _____

At the hearing, the judge can renew the current restraining order for up to another three years. You *must* continue to obey the current restraining order until the hearing. At the hearing, you can tell the judge if you do not want the order against you renewed. If the restraining order is renewed, you *must* obey the order even if you do not attend the hearing.

If you wish to make a written response to the request to renew the restraining order, you may fill out Form SV-720, *Response to Request to Renew Restraining Order*. File the original with the court before the hearing and have someone age 18 or older—**not you**—mail a copy of it to the petitioner at the address in ① at least _____ days before the hearing. Also file Form SV-250, *Proof of Service of Response by Mail*, with the court before the hearing.

This is a Court Order.



To the Petitioner:**5 Service and Response**

Someone age 18 or older—**not you or anyone else protected by the restraining order**—must personally serve (give) a copy of the following forms on the respondent at least _____ days before the hearing.

- SV-700, *Request to Renew Restraining Order*;
- SV-710, *Notice of Hearing to Renew Restraining Order* (this form);
- SV-720, *Response to Request to Renew Restraining Order* (blank copy);
- SV-130, the current *Private Postsecondary School Violence Restraining Order After Hearing* for which renewal is requested.

After the respondent has been served, file Form SV-200, *Proof of Personal Service*, with the court clerk. For help with service, read Form SV-200-INFO, *What Is “Proof of Personal Service”?*

Date: _____

Judicial Officer**Request for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk’s office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons with Disabilities and Response* (Form MC-410). (Civ. Code, § 54.8.)

This is a Court Order.

Clerk stamps date here when form is filed.

Use this form to respond to the Request to Renew Restraining Order (Form SV-700)

- Fill out this form and then take it to the court clerk.
- Have someone age 18 or older—**not you**—serve the petitioner by mail with a copy of this form and any attached pages. (Use Form SV-250, Proof of Service of Response by Mail.)

1 Petitioner (School Official)

Name: _____

2 Student (Protected Person)

Name: _____

3 Respondent (Restrained Person)

a. Your Name: _____

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (you may give a mailing address if you want to keep your street address private; skip this if you have a lawyer):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

4 Response

- a. I agree to extend the order.
- b. I do not agree to extend the order.
- c. I agree to the following order instead (specify below):

Check here if there is not enough space for your answer. Attach a sheet of paper and write "Attachment 4c—Order Requested" for a title. You may use Form MC-025, Attachment.

d. I ask the court not to renew the order for the following reasons (specify below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 4d—Reasons Not to Renew" for a title.

Court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

The court will consider your *Response* at the hearing. Write your hearing date, time, and place from Form SV-710 item 4 here.

Hearing Date → Date: _____
Time: _____

Dept.: _____ Room: _____

You must continue to obey the current restraining order until the hearing. At the hearing, the court can extend the order against you for up to another three years.



Case Number:

Date: _____

Lawyer's name, if you have one



Lawyer's signature

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

Date: _____

Type or print your name



Sign your name

**Order Renewing Private
Postsecondary School Violence
Restraining Order**

Clerk stamps date here when form is filed.

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

Fill in case number:
Case Number:

1 Petitioner (School Official)

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: _____
E-Mail Address: _____

2 Student (Protected Person)

Full Name: _____

3 Respondent (Restrained Person)

Full Name: _____
Address (if known): _____
City: _____ State: _____ Zip: _____

4 Hearing

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

These people were at the hearing:

- a. The petitioner
- b. The respondent
- c. The lawyer for the petitioner (name): _____
- d. The lawyer for the respondent (name): _____
- Additional persons present are listed on Attachment 4.

5 Renewal and Expiration

The request to renew the attached *Private Postsecondary School Violence Restraining Order After Hearing*, originally issued on (date) _____, is:

a. **GRANTED**. The attached order is renewed and will now expire on:

Time: _____ a.m. p.m. or midnight on (date): _____

If no expiration date is written here, the order expires three years from the date of the hearing in item **5**.

b. **DENIED**. The attached order expires as stated in item **5** of the order.

Date: _____

Judicial Officer

This is a Court Order.

1 What is a firearm?

A firearm is a:

- Handgun
- Rifle
- Shotgun
- Assault weapon

**2 If you own or have a firearm you must:**

- Turn it in to local law enforcement *or*
- Sell it to a licensed gun dealer

3 How do I sell my firearm?

Find a licensed gun dealer in your area.

Look under “Firearms Dealers” in your local Yellow Pages or on the Internet. Make sure the dealer is licensed.

4 How do I take my firearm to law enforcement?

Call your local law enforcement agency to ask about their procedures. Take a copy of the restraining order with you. Go directly to the law enforcement agency. Do not go anywhere else with firearms in your vehicle!

5 If I turn my firearm in to law enforcement, how long will they keep it?

Ask the law enforcement agency.

6 After I give my firearm to law enforcement, can I change my mind?

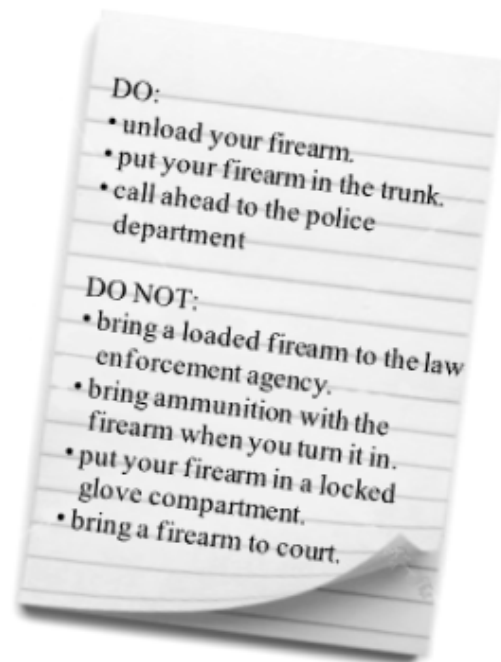
Yes. You are allowed to make one sale through a licensed gun dealer. To do this, a licensed gun dealer must present a bill of sale to your local law enforcement agency. The law enforcement agency will give the licensed gun dealer the firearm you are selling.

7 Do I have to pay the law enforcement agency to keep my firearm?

You may have to pay the agency for keeping your firearm. Contact your local law enforcement agency and ask if a fee is charged. The agency will tell you how much you need to pay.

8 Questions?

Call your local law enforcement agency:
(*insert local information here.*)



Petition for Workplace Violence Restraining Orders

Clerk stamps date here when form is filed.

Read *How Do I Get an Order to Prohibit Workplace Violence (Form WV-100-INFO)* before completing this form. **NOTE: Petitioner must be an employer with standing to bring this action under Code of Civil Procedure section 527.8.** Also fill out *Confidential CLETS Information (Form CLETS-001)* with as much information as you know.

1 Petitioner (Employer)

a. Name: _____
is a corporation sole proprietorship

other (specify): _____

and is filing this suit on behalf of the employee identified in item 2.

b. Lawyer for Petitioner (if any for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

Petitioner's Address (If the petitioner has a lawyer, give the lawyer's information.):

c. Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

2 Employee in Need of Protection

Full Name: _____

Sex M F Age: _____

3 Respondent (Person From Whom Protection Is Sought)

Full Name: _____ Age: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

4 Additional Protected Persons

a. Are you asking for protection for any family or household members of the employee or for any other employees at the employee's workplace or at other workplaces of the petitioner?

Yes No *If yes, list them.*

<u>Full Name</u>	<u>Sex</u>	<u>Age</u>	<u>Household Member?</u>	<u>Relationship to Employee</u>
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

Additional protected persons are listed in Attachment 4a.

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

This is not a Court Order.



Case Number:

b. Why do these people need protection? (Explain):

Response is stated in Attachment 4b.

5 Relationship of Employee and Respondent

a. How does the employee know the respondent? (Describe): Response is stated in Attachment 5a.

b. Respondent is is not a current employee of petitioner. (Explain any decision to retain, terminate, or otherwise discipline the respondent.) Response is stated in Attachment 5b.

6 Venue

Why are you filing in this county? (Check all that apply):

a. The respondent lives in this county.

b. The respondent has caused physical or emotional injury to petitioner's employee in this county.

c. Other (specify): _____

7 Other Court Cases

a. Has the employee or any of the persons named in 4 been involved in another court case with the respondent?

No Yes If yes, check each kind of case and indicate where and when each was filed:

	<u>Kind of Case</u>	<u>Filed in (County/State)</u>	<u>Year Filed</u>	<u>Case Number (if known)</u>
(1)	<input type="checkbox"/> Workplace Violence	_____	_____	_____
(2)	<input type="checkbox"/> Civil Harassment	_____	_____	_____
(3)	<input type="checkbox"/> Domestic Violence	_____	_____	_____
(4)	<input type="checkbox"/> Divorce, Nullity, Legal Separation	_____	_____	_____
(5)	<input type="checkbox"/> Paternity, Parentage, Child Support	_____	_____	_____
(6)	<input type="checkbox"/> Eviction	_____	_____	_____
(7)	<input type="checkbox"/> Guardianship	_____	_____	_____
(8)	<input type="checkbox"/> Small Claims	_____	_____	_____
(9)	<input type="checkbox"/> Postsecondary School Violence	_____	_____	_____
(10)	<input type="checkbox"/> Criminal	_____	_____	_____
(11)	<input type="checkbox"/> Other (specify): _____	_____	_____	_____

b. Are there now any restraining orders or criminal protective orders in effect relating to the employee or any of the persons in 4 and the respondent? No Yes If yes, attach a copy if you have one.

This is not a Court Order.

8 Description of Respondent's Conduct

a. Respondent has (*check one or more*):

- (1) Assaulted, battered, or stalked the employee
- (2) Made a credible threat of violence against the employee by making knowing or willful statements or engaging in a course of conduct that would place a reasonable person in fear for his or her safety or the safety of his or her immediate family

b. One or more of these acts (*check either or both*):

- (1) Took place at the employee's workplace
- (2) Can reasonably be construed to be carried out in the future at the employee's workplace

Address of workplace: _____

c. Describe what happened. (*Provide details; include the dates of all incidents beginning with the most recent; tell who did what to whom; identify any witnesses*):

Response is stated in Attachment 8c.

d. Was the employee harmed or injured? Yes No *If yes, describe harm or injuries:*

Response is stated in Attachment 8d.

e. Did the respondent use or threaten to use a gun or any other weapon? Yes No *If yes, describe:*

Response is stated in Attachment 8e.

This is not a Court Order.



f. For any of the incidents described above, did the police come? Yes No I don't know

If yes, did the employee or the respondent receive an Emergency Protective Order?

Yes No I don't know

If yes: The order protects (check all that apply):

(1) The employee (2) The respondent (3) One or more of the persons in ④

Attach a copy of the order if you have one.

Check the orders you want

⑨ Personal Conduct Orders

I ask the court to order the respondent **not** to do any of the following things to the employee or to any person to be protected listed in ④:

- a. Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
- b. Commit acts of unlawful violence on or make threats of violence to the person.
- c. Follow or stalk the person during work hours or to or from the place of work.
- d. Contact the person, 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.
- e. Enter the person's workplace.
- f. Other (specify):
 As stated in Attachment 9f.

The respondent will be ordered not to take any action to get the addresses or locations of any protected person unless the court finds good cause not to make the order.

⑩ Stay-Away Orders

a. I ask the court to order the respondent to stay at least _____ yards away from (check all that apply):

- (1) The employee
- (2) The other persons listed in ④
- (3) The employee's workplace
- (4) The employee's home
- (5) The employee's school
- (6) The school of the employee's children
- (7) The place of child care of the employee's children
- (8) The employee's vehicle
- (9) Other (specify): _____

This is not a Court Order.



- b. If the court orders the respondent to stay away from all the places listed above, will he or she still be able to get to his or her home, school, or job? Yes No *If no, explain:*
 Response is stated in Attachment 10b.

11 Guns or Other Firearms and Ammunition

Does the respondent own or possess any guns or other firearms? Yes No I don't know

If the judge grants a protective order, the respondent will be prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive a gun, other firearm, and ammunition while the protective order is in effect. The respondent will also be ordered to turn in to law enforcement or sell to a gun dealer any guns or firearms within his or her immediate possession or control.

12 Request for Immediate Orders Without Notice

Do you want the court to make any of these orders now that will last until the hearing without notice to the respondent? Yes No *(If you answered yes, explain why):*

Response is stated in Attachment 12.

13 Request for Less Than Five-Days' Notice

You must have your papers personally served on the respondent at least five days before the hearing, unless the court orders a shorter time for service. (Form WV-200-INFO explains what is proof of personal service. Form WV-200, Proof of Personal Service, may be used to show the court that the papers have been served.)

If you want there to be fewer than five days between service and the hearing, explain why:

Response is stated in Attachment 13.

14 No Fee for Filing

I ask that there be no filing fee because the respondent has inflicted or threatened violence against the employee, or stalked the employee, or acted or spoken in a manner that has placed the employee in reasonable fear of violence.

This is not a Court Order.

15 **No Fee to Serve Orders**

I ask the court to order the sheriff or marshal to serve the respondent with the orders for free because this request for orders is based on unlawful violence, a credible threat of violence, or stalking.

16 **Court Costs**

I ask the court to order the respondent to pay my court costs.

17 **Additional Orders Requested**

I ask the court to make the following additional orders (*specify*):

Additional orders requested are stated in Attachment 17.

18 Number of pages attached to this form, if any: _____

Date: _____

Lawyer's name (if any)

▶ _____
Lawyer's signature

I declare under penalty of perjury under the laws of the State of California that the information above and on all attachments is true and correct.

Date: _____

Name of petitioner

▶ _____
Signature

Title

This is not a Court Order.

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 workplace violence protective order?

Under California law (Code Civ. Proc., § 527.8), courts can make orders to protect an employee from suffering unlawful violence or credible threats of violence at the workplace.

The court can order a person not to:

- Harass or threaten the employee;
- Contact or go near the employee; and
- Have a gun.

These orders will be enforced by law enforcement agencies.

Who can get a workplace violence protective order?

Employers can obtain court orders prohibiting unlawful violence or credible threats of violence against their employees. To get an order under this law, the petitioner **must** be an employer. An employer is defined as:

- Every person engaged in any business or enterprise in this state that has one or more persons in service under any appointment, contract of hire, or apprenticeship, express or implied, oral or written, irrespective of whether such person is the owner of the business or is operating on a concessionaire or other basis. (Lab. Code, § 350(a).)
- A federal, state, or local public agency; a city, county, district, or public corporation. (Code Civ. Proc., § 527.8(b)(3).)

Before completing the forms needed to obtain court orders under this statute, make certain you meet the definition of “employer” as defined above.

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 the employer 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 an employer protect under this law?

Under this statute, an employer can obtain a court order that lasts up to three years on behalf of an employee. The order can also protect certain family or household members of the employee and other employees at the employee’s workplace or at other workplaces of the employer.

California law defines “employees” as:

- Every person, including aliens and minors, rendering actual service in any business for an employer, whether gratuitously or for wages or pay; whether the wages or pay are measured by the standard of time, piece, task, commission, or other method of calculation; and whether the service is rendered on a commission, concessionaire, or other basis. (Lab. Code, § 350(b).)
- Members of boards of directors and public officers.
- Volunteers or independent contractors who perform services for the employer at the employer’s work site.

The “respondent” is the person against whom the employer is requesting the protective order.

An employer may seek protection under this law if:

1. An employee has suffered unlawful violence or a credible threat of violence from any individual;
2. The unlawful violence was carried out in the workplace, or the threat of violence can reasonably be construed to be carried out in the workplace;
3. 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
4. The respondent is not engaged in constitutionally protected activity.

What forms must be used to get the order?

1. *Petition for Orders Workplace Violence Restraining Orders (Petition)* (Form WV-100). This form tells the judge the facts of the petitioner’s case and what orders the petitioner and employee want the court to make.
2. *Confidential CLETS Information* (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 WV-109). This form tells the parties when the hearing on the petition will be held.



4. *Temporary Restraining Order (TRO)* (Form WV-110). A TRO can be issued to provide protection to the employee until the hearing is held. It can be issued by the judge either with or without notice to the respondent.

5. *Workplace Violence Restraining Order After Hearing (Order)* (Form WV-130). This is the form 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 workplace violence prevention proceeding.

6. *Proof of Personal Service* (Form WV-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 on the Internet at *www.courts.ca.gov*. You also may be able to find them at your local courthouse or county law library.

Do I need a lawyer?

The employer may be represented by a lawyer, but one is not required by law unless the employer is a corporation. Because the employer’s lawyer will generally be representing the interests of the employee, the employee usually does not need his or her own lawyer. Whether or not the employer has a lawyer, the respondent may have one.

What steps are needed to get the court orders?

1. Fill in the **Petition** (Form WV-100) completely and fill in items 1–3 of the *Notice of Court Hearing* (Form WV-109). If you are seeking a **TRO**, also fill out Form WV-110.
2. If you are seeking orders based on information from your employee 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 WV-100). You may use Form MC-031, *Attached Declaration*.

3. Fill in *Confidential CLETS Information* (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 WV-110 completely. The petition and the declarations must give the details of the recent acts of violence or credible threats of violence and the problems they have caused your employee.

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 employee, 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 WV-109).

6. If you are seeking a **TRO** (Form WV-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.
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 employee does not speak English, when you file your papers, ask the clerk if a court interpreter will be available for the hearing. You may have to pay a fee for the interpreter. If an interpreter will not be provided, you should ask someone who is not listed as a person to be protected on your Petition and who is over age 18 to interpret.
9. Have the respondent personally **served** with copies of the **Petition** (Form WV-100), the *Notice of Court Hearing* (Form WV-109), the **TRO** (Form WV-110) (if issued), a blank **Response** (Form WV-120), and a blank *Proof of Service of Response by Mail* (Form WV-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 employee, or anyone to be protected by the order. For help with service, ask the court clerk for Form WV-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 WV-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 WV-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, e-mails, 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 he or she does not have the right to speak to the employee or to any other person seeking protection. If anyone is afraid, tell the court officer.

12. If the judge signs the **Order** (Form WV-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 WV-220, *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 him or her personally **served** with a copy of the **Order**. File the completed *Proof of Personal Service* (Form WV-200) with the court. Give a file-stamped copy of the **Order** and proof of service to your employee 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.

WV-109

Notice of Court Hearing

Clerk stamps date here when form is filed.

1 Petitioner (Employer)

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: _____
 E-Mail Address: _____

Fill in court name and street address:
 Superior Court of California, County of _____
 Fill in case number:
 Case Number: _____

2 Employee in Need of Protection
 Full Name: _____

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:

Name and address of court if different from above:

Hearing Date	Date: _____	Time: _____	Dept.: _____	Room: _____
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5 Temporary Restraining Orders (Any orders granted are on Form WV-110, served with this notice.)

a. Temporary Restraining Orders for personal conduct and stay away orders as requested in Form WV-100, Request for Workplace 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, www.courts.ca.gov
 Revised January 1, 2012; Mandatory Form
 Code of Civil Procedure, § 527.8
 Approved by SJS

Notice of Court Hearing
(Workplace Violence Prevention)

WV-109, Page 1 of 3

15. If the respondent does not obey the order, call the police. The respondent can be arrested and charged with a crime.



Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five court days before the hearing. Contact the clerk's office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons with Disabilities and Response* (Form MC-410). (Civ. Code, § 54.8.)

For help in your area, contact:

[Local information may be inserted.]

California Law Enforcement Telecommunications System (CLETS) Information Form

Important Notice: This form MUST NOT become part of the public court file. It is confidential and private.

If the court issues a restraining order, this form will provide law enforcement with information that will assist them in enforcing it. Fill out as much of this form as you can and give it to the court clerk. The clerk will provide the confidential information on this form through CLETS into the California Restraining and Protective Order System (CARPOS), a statewide database that lets police know about your orders.

Case number for your restraining order (if you know it): _____

1 Employee to Be Protected (Name): _____
Sex: [] M [] F Height: _____ Weight: _____ Race: _____
Hair Color: _____ Eye Color: _____ Age: _____ Date of Birth: _____
(Mailing address listed on restraining order) (City, state, zip) (Telephone number [optional])
Vehicle (type, model, year): _____
Vehicle license number and state: _____

2 Person to Be Restrained (Name): _____
Sex: [] M [] F Height: _____ Weight: _____ Race: _____
Hair Color: _____ Eye Color: _____ Age: _____ Date of Birth: _____
(Residence address) (City, state, zip) (Telephone number)
(Workplace) (Occupation/title) (Work hours)
(Business address) (City, state, zip) (Telephone number)
Driver's license number and state: _____ Vehicle license number and state: _____
Vehicle (type, model, year): _____
Social Security number: _____
Describe any marks, scars, or tattoos: _____
Other names used by the restrained person: _____

3 Guns or Firearms
Describe any guns or firearms you believe the restrained person owns or has access to (number, types, and locations): _____

4 Other People to Be Protected
Name Date of Birth Sex Race

[] Continued on Attachment 4.

This is not a Court Order—Do not file in court file.

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Petitioner (Employer)

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: _____

E-Mail Address: _____

2 Employee in Need of Protection

Full Name: _____

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:

<div style="border: 1px solid black; border-radius: 15px; padding: 5px; display: inline-block;"> Hearing Date </div>	→ Date: _____	Time: _____	Name and address of court if different from above:
	Dept.: _____	Room: _____	_____

5 Temporary Restraining Orders (Any orders granted are on Form WV-110, served with this notice.)

a. Temporary Restraining Orders for personal conduct and stay away orders as requested in Form WV-100, Request for Workplace 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.)



b. Reasons that Temporary Restraining Orders as requested in Form WV-100, *Petition for Workplace Violence Restraining Orders*, for personal conduct or stay away are denied are:

- (1) The facts as stated in Form WV-100 do not sufficiently show reasonable proof that the employee has suffered unlawful violence or a credible threat of violence by the respondent, and that great or irreparable harm to the employee would result if a temporary restraining order is not issued.
- (2) Other (*specify*): As stated on Attachment 5b.

6 Service of Documents by the Petitioner

At least five _____ days before the hearing, someone age 18 or older—**not you or anyone to be protected**—must personally give (serve) a court file-stamped copy of this Form WV-109, *Notice of Court Hearing*, to the respondent along with a copy of all the forms indicated below:

- a. WV-100, *Petition for Workplace Violence Restraining Orders* (file-stamped)
- b. WV-110, *Temporary Restraining Order* (file-stamped) **IF GRANTED**
- c. WV-120, *Response to Petition for Workplace Violence Restraining Orders* (blank form)
- d. WV-120-INFO, *How Can I Respond to a Petition for Workplace Violence Restraining Orders?*
- e. WV-250, *Proof of Service of Response by Mail* (blank form)
- f. Other (*specify*): _____

Date: _____

Judicial Officer

To the Petitioner:

- The court cannot make the restraining orders after the court hearing unless the respondent has been personally given (served) a copy of your request and any temporary orders. To show that the respondent has been served, the person who served the forms must fill out a proof of service form. Form WV-200, *Proof of Personal Service*, may be used.
- For information about service, read Form WV-200-INFO, *What Is “Proof of Personal Service”?*
- If you are unable to serve the respondent in time, you may ask for more time to serve the documents. Use Form WV-115, *Request to Continue Court Hearing and to Reissue Temporary Restraining Order*.



To the Respondent

- If you want to respond to the request for orders in writing, file Form WV-120, *Response to Request for Workplace Violence Restraining Orders*, and have someone age 18 or older—**not you or anyone to be protected**—mail it to the petitioner.
- The person who mailed the form must fill out a proof of service form. Form WV-250, *Proof of Service of Response by Mail*, may be used. File the completed form with the court before the hearing and bring a copy with you to the court hearing.
- Whether or not you respond in writing, go to the hearing if you want the judge to hear from you before making an order. You may tell the judge why you agree or disagree with the orders requested.
- You may bring witnesses and other evidence.
- **At the hearing, the judge may make restraining orders against you that could last up to three years and may order you to sell or turn in any firearms that you own or possess.**



Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk’s office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons with Disabilities and Response* (Form MC-410). (Civ. Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk’s Certificate—

I certify that this *Notice of Court Hearing* is a true and correct copy of the original on file in the court.

Clerk’s Certificate

[seal]

Date: _____

Clerk, by _____, Deputy

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Petitioner (Employer)

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: _____

E-Mail Address: _____

2 Employee (Protected Person)

Full Name: _____

3 Respondent (Restrained Person)

Full Name: _____

Description:

Sex: M F Height: _____ Weight: _____ Date of Birth: _____

Hair Color: _____ Eye Color: _____ Age: _____ Race: _____

Home Address (if known): _____

City: _____ State: _____ Zip: _____

Relationship to Employee: _____

4 Additional Protected Persons

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

<u>Full Name</u>	<u>Sex</u>	<u>Age</u>	<u>Household Member?</u>	<u>Relation to Employee</u>
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

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

5 Expiration Date

This Order expires at the end of the hearing scheduled for the date and time below:

Date: _____ Time: _____ a.m. p.m.

This is a Court Order.

To the Respondent:

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

6 Personal Conduct Orders

Not Requested Denied Until the Hearing Granted as Follows:

a. You are ordered not to do the following things to the employee

and to the other protected persons listed in 4:

- (1) Harass, molest, strike, 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 work hours or to or from the place of work.
(4) Contact the person, directly or indirectly, by any means, including but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by text message, by e-mail, by fax, or by other electronic means.
(5) Enter the workplace of the person.
(6) Take any action to obtain the person's addresses or locations. If this item 6 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 6a(7).

Three horizontal lines for specifying other personal conduct orders.

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. However, you may have your papers served by mail on the petitioner.

7 Stay-Away Order

Not Requested Denied Until the Hearing Granted as Follows:

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

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

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

This is a Court Order.

8 No Guns or Other Firearms and Ammunition

- a. You 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. You must:
 - (1) Sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms in your immediate possession or control. This must be done within 24 hours of being served with this Order.
 - (2) File a receipt with the court within 48 hours of receiving this Order that proves that your guns or firearms have been turned in or sold. *(You may use Form WV-800, Proof of Firearms Turned In or Sold, for the receipt.)*
- c. The court has received information that you own or possess a firearm.

9 Other Orders

- Not Requested Denied Until the Hearing Granted as Follows *(specify):*

- Additional orders are attached at the end of this Order on Attachment 9.

To the Petitioner:

10 Mandatory Entry of Order Into CARPOS Through CLETS

This Order must be entered into the California Restraining and Protective Orders 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 CLETS.
- b. The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CLETS.
- c. By the close of business on the date that this Order is made, the employer or the employer’s lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agencies listed below to enter into CLETS:

Name of Law Enforcement Agency

Address (City, State, Zip)

- Additional law enforcement agencies are listed at the end of this Order on Attachment 10.

11 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 unlawful violence, a credible threat of violence, or stalking.
- b. The petitioner is entitled to a fee waiver.

This is a Court Order.

12 Number of pages attached to this Order, if any: _____

Date: _____

Judicial Officer

Warnings and Notice to the Respondent:

You Cannot Have Guns or Firearms

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this 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 as stated in item 8 above. The court will require you to prove that you did so.

Notice Regarding Nonappearance at Hearing and Service of Order

If you have been personally served with this Temporary Restraining Order and Form WV-109, *Notice of Court Hearing*, but you do not appear at the hearing either in person or by a lawyer, and a restraining order that is the same as this Temporary Restraining Order except for the expiration date is issued at the hearing, a copy of the order will be served on you by mail at the address in item 3.

If this address is not correct or you wish to verify that the temporary restraining order was converted into a restraining order at the hearing without substantive change, and to find out the duration of the order, contact the clerk of the court.

After You Have Been Served With a Restraining Order

- Obey all the orders.
- Read Form WV-120-INFO, *How Can I Respond to a Petition for Orders to Stop Workplace Violence?*, to learn how to respond to this Order.
- If you want to respond, fill out Form WV-120, *Response to Petition for Workplace Violence Restraining Orders*, and file it with the court clerk. You do not have to pay any fee to file your response if the petition claims that you inflicted or threatened violence against or stalked the employee, or placed the employee in reasonable fear of violence.
- You must have Form WV-120 served on the petitioner or the petitioner's attorney by mail. You cannot do this yourself. The person who does the service should complete and sign Form WV-250, *Proof of Service of Response by Mail*. File the completed proof of service with the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and have declarations served, signed by you and other persons who have personal knowledge of the facts. You may use Form MC-030, *Declaration*, for this purpose. It is available from the clerk's office at the court shown on page 1 of this form or at www.courts.ca.gov/forms. If you do not know how to prepare a declaration, you should see a lawyer.
- Whether or not you file a response, you should attend the hearing. If you have any witnesses, they must also go to the hearing.
- At the hearing, the judge can make restraining orders against you that last for up to three years. Tell the judge why you disagree with the orders requested.

This is a Court Order.



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 Orders System (CARPOS). If the law enforcement agency has not received proof of service on the restrained person, 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 4. The order *ends* on the expiration date in item 5 on page 1.

Arrest Required if Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6. Agencies are encouraged to enter violation messages into CARPOS.

Notice/Proof of Service

The law enforcement agency must first determine if the restrained person had notice of the order. Consider the restrained person "served" (noticed) if (Pen. Code, § 836(c)(2).):

- The officer sees a copy of the Proof of Service or confirms that the Proof of Service is on file; or
- The restrained person was informed of the order by an officer.

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the restrained person cannot be verified, the agency must advise the restrained person of the terms of the order and then enforce it.

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 order can be changed only by another court order. (Pen. Code, § 13710(b).)

Conflicting Orders

A protective order issued in a criminal case on Form CR-161 takes precedence in enforcement over any conflicting civil court order. (Pen. Code, § 136.2(e)(2).) Any nonconflicting terms of the civil restraining order remain in full force. An *Emergency Protective Order* (Form EPO-001) that is in effect between the same parties and is more restrictive than other restraining orders takes precedence over all other restraining orders. (Pen. Code, § 136.2.)

This is a Court Order.



Case Number:

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate
[seal]

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

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

**Request to Continue Court Hearing
and to Reissue Temporary
Restraining Order**

Clerk stamps date here when form is filed.

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

Fill in case number:
Case Number:

1 Petitioner (Employer)

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: _____
E-Mail Address: _____

2 Employee in Need of Protection

Full Name: _____

3 Respondent (Person From Whom Protection Is Sought)

Full Name: _____
Address (if known): _____
City: _____ State: _____ Zip: _____

4 Request to Continue Hearing and to Reissue Temporary Restraining Order

I ask the court to continue the hearing currently scheduled for (date): _____
and to reissue the attached *Temporary Restraining Order* (Form WV-110).

a. The attached order was issued on (date): _____ without notice to the respondent.
b. I request that the Temporary Restraining Order be reissued because (check one or both):
(1) I could not get the order served before the hearing date
(2) Other
for the reasons stated below on Attachment 3b

c. (1) This is the first request to reissue the Order.
(2) The Order has been previously reissued _____ times.

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

Date: _____

Type or print your name

Sign your name

This is not a Court Order.

Clerk stamps date here when form is filed.

1 Petitioner (Employer)

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: _____
E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

2 Employee in Need of Protection

Full Name: _____

3 Respondent (Person From Whom Protection Is Sought)

Full Name: _____

4 New Hearing Date

a. A hearing in this case is currently set for (date): _____ at (time): _____

b. The court orders a new hearing date:

- (1) at the request of the petitioner
- (2) at the request of the respondent
- (3) in its discretion

c. Because:

- (1) the respondent could not be served before the current hearing date.
- (2) the parties have agreed to postpone the hearing and ask for a new hearing date.
- (3) for the reasons stated below on Attachment 4c

5 Order for Continuance and Notice of Hearing

The court hearing on the *Request for Workplace Violence Restraining Orders (Form WV-100)* is continued and rescheduled:

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

This is a Court Order.

6 Reissuance of Temporary Restraining Order

- a. No temporary restraining order was issued in this case.
b. The request to reissue the temporary restraining order is GRANTED. The attached Temporary Restraining Order (Form WV-110) is reissued.
c. The request to reissue the temporary restraining order is DENIED.
for the reasons stated below on Attachment 6c

Multiple horizontal lines for providing reasons for denial.

Warning and Notice to the Respondent:

If the request to reissue the Temporary Restraining Order is GRANTED in 6b, you must continue to obey the attached Temporary Restraining Order until the end of the hearing scheduled in 4.

7 Expiration Date

If 6b is checked, the attached Temporary Restraining Order expires at the end of the hearing scheduled in 5.

8 Service of Order

- a. A copy of this Order must be served by the requesting party on the other party at least ___ days before the hearing, along with the other documents requesting workplace violence restraining orders. If reissuance is denied in item 6c, a copy of the Temporary Restraining Order (Form WV-110) must NOT be attached and served.
b. No further service of this Order is required because both parties were present at the initial hearing date in item 4a, and both were given a signed copy of this Order.
c. The court will serve a copy of this Order on the parties.

9 No Fee to Serve (Notify) Respondent Ordered Not Ordered

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

- a. The Order is based on a credible threat of violence or stalking.
b. The petitioner is entitled to a fee waiver.

This is a Court Order.

10 Entry of Order Into CARPOS Through CLETS

If the Temporary Restraining Order has been reissued (item 6b is checked), this Order must be entered into the California Restraining and Protective Orders 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 in Attachment 10.

Date: _____

Judicial Officer



Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk’s office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons with Disabilities and Response* (Form MC-410). (Civ. Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk’s Certificate—

Clerk’s Certificate
[seal]

I certify that this *Notice of New Hearing Date and Order on Reissuance* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

Clerk stamps date here when form is filed.

Use this form to respond to the *Petition* (Form WV-100)

- Read *How Can I Respond to a Petition for Workplace Violence Restraining Orders?* (Form WV-120-INFO) to protect your rights.
- Fill out this form and take it to the court clerk.
- Have someone—**age 18 or older**—serve the petitioner or the petitioner’s lawyer by mail with a copy of this form and any attached pages. (Use Form WV-250, Proof of Service of Response by Mail.)

Fill in court name and street address:

Superior Court of California, County of

Fill in case number.

Case Number:

1 Petitioner (Employer)

Name: _____

2 Employee Seeking Protection

Full Name: _____

3 Respondent (Person From Whom Protection Is Sought)

a. Your Name: _____

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (you may give a mailing address if you want to keep your street address private; skip this if you have a lawyer):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

The court will consider your response at the hearing. Write your hearing date, time, and place from Form WV-109, item 4 here:

Hearing Date → Date: _____ Time: _____
Dept.: _____ Room: _____

If you were served with a Temporary Restraining Order, you must obey it until the hearing. At the hearing, the court may make orders against you that last for up to three years.

4 Personal Conduct Orders

a. I agree to the orders requested.

b. I do not agree to the orders requested.

c. I agree to the following orders (specify): _____

5 Stay-Away Orders

a. I agree to the orders requested.

b. I do not agree to the orders requested.

c. I agree to the following orders (specify): _____

6 **Additional Protected Persons**

- a. I agree that the persons listed in item **4** of the Petition may be protected by the order requested.
- b. I do not agree that the persons listed in item **4** of the Petition may be protected by the order requested.

7 **Firearms Prohibition and Relinquishment**

If you were served with Form WV-110, *Temporary Restraining Order*, you cannot own or possess any guns, other firearms, or ammunition. You must turn in any guns or firearms in your immediate possession or control and file a receipt with the court from a law enforcement agency or a licensed gun dealer within 48 hours after you received Form WV-110. (See item **8** of Form WV-110.) You may use Form WV-800, *Proof of Firearms Turned In or Sold*, for the receipt.

- a. I do not own or control any guns or other firearms.
- b. I have turned in my guns and firearms to the police or to a licensed gun dealer.
A copy of the receipt is attached. has already been filed with the court.

8 **Other Orders**

- a. I agree to the orders requested.
- b. I do not agree to the orders requested.
- c. I agree to the following orders (*specify*): _____

9 **Denial**

I did not do anything described in item **8** of Form WV-100. (*Skip to **11**.*)

10 **Justification or Excuse**

If I did some or all of the things that the petitioner has accused me of, my actions were justified or excused for the following reasons (*explain*):

- Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "WV-120, item 10—Justification or Excuse" for a title.*



11 **No Fee for Filing**

- a. I ask the court to waive the filing fee because the petitioner claims in Form WV-100 item **14** to be entitled to free filing.
- b. I request that I not be required to pay the filing fee because I am eligible for a fee waiver. (*Form FW-001, Request to Waive Court Fees, must be filed separately.*)

12 **Costs**

- a. I ask the court to order the petitioner to pay my court costs.

The amounts requested are:

<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

- Check here if there are more items. Put the items and amounts on the attached sheet of paper or Form MC-025 and write "Attachment 12—Costs" for a title.*
- b. I ask the court to deny the request of the person asking for protection that I pay his or her lawyer's fees and costs.

13 Number of pages attached to this form, if any: _____

Date: _____

Lawyer's name (if any)

Lawyer's signature

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

Date: _____

Type or print your name

Sign your name

What is a workplace violence restraining order?

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

What does the order do?

The court can order you to:

- Not contact the employee who is protected by the order
- Stay away from the employee and the employee's home, workplace, and other places
- Not have any guns as long as the order is in effect

Who can ask for a workplace violence restraining order?

An employer can ask for an order on behalf of an employee who has suffered violence or a credible threat of violence at the workplace.

I've been served with a petition for 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 obey the order?

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

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 on the Internet at www.courts.ca.gov. You also may be able to find them at your local courthouse or county law library.

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.

WV-109

Notice of Court Hearing

Clerk stamps date here when form is filed.

① **Petitioner (Employer)**

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: _____
 E-Mail Address: _____

Fill in court name and street address:
 Superior Court of California, County of _____
 Fill in case number:
 Case Number: _____

② **Employee in Need of Protection**
 Full Name: _____

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: _____	Name and address of court if different from above:
	Dept.: _____	Room: _____	

⑤ **Temporary Restraining Orders** (Any orders granted are on Form WV-110, served with this notice.)

a. Temporary Restraining Orders for personal conduct and stay away orders as requested in Form WV-100, *Request for Workplace 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, www.courts.ca.gov
 Revised January 1, 2012, Mandatory Form
 Code of Civil Procedure, §§ 527.8 and 527.9
 Approved by DOJ

Notice of Court Hearing
 (Workplace Violence Prevention)

WV-109, Page 1 of 3
 →



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 employee at the court hearing?

Yes. Assume that the employee will attend the hearing. Do not talk to him or her unless the judge or the employee's lawyer says 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.

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 may have to pay a fee for the interpreter. If an interpreter is not available for your court date, bring someone to interpret for you. You should ask someone age 18 or older to interpret for you.

What if I have a gun?

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

Can I agree with the employee 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 am deaf or hard of hearing?

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five court days before the hearing. Contact the clerk's office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons with Disabilities and Response* (Form MC-410). (Civ. Code, § 54.8.)

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Petitioner (Employer)

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: _____

E-Mail Address: _____

2 Employee (Protected Person)

Full Name: _____

3 Respondent (Restrained Person)

Full Name: _____

Description:

Sex: M F Height: _____ Weight: _____ Date of Birth: _____

Hair Color: _____ Eye Color: _____ Age: _____ Race: _____

Home Address (if known): _____

City: _____ State: _____ Zip: _____

Relationship to Employee: _____

4 Additional Protected Persons

In addition to the employee, the following family or household members or other employees are protected by the orders indicated below:

<u>Full Name</u>	<u>Sex</u>	<u>Age</u>	<u>Household Member?</u>	<u>Relation to Employee</u>
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

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

5 Expiration Date

This Order expires at:

Time: _____ a.m. p.m. or midnight on (date): _____

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/employer representative *(name)*: _____
 - (2) The lawyer for the petitioner/employer *(name)*: _____
 - (3) The employee (4) The lawyer for the employee *(name)*: _____
 - (5) The respondent (6) The lawyer for the respondent *(name)*: _____
 - Additional persons present are listed at the end of this Order on Attachment 6.
- c. The hearing is continued. The parties must return to court on *(date)*: _____ at *(time)*: _____

To the Respondent:

The court has issued the orders checked as granted 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 employee
 and to the other protected persons in **4** :
 - (1) Harass, molest, strike, 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 work hours or while going to or from the place of work.
 - (4) Contact the person, directly or indirectly, by **any** means, including but not limited to, in person, by telephone, in writing, by public or private mail, interoffice mail, by e-mail, by text message, by fax, or by other electronic means.
 - (5) Enter the person’s workplace.
 - (6) Take any action to obtain the person’s addresses 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 Order**

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

- (1) The employee
- (2) Each other protected person listed in **4**
- (3) The employee's workplace
- (4) The employee's home
- (5) The employee's school
- (6) The employee's children's school
- (7) The employee's children's place of child care
- (8) The employee'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 Guns or Other Firearms and Ammunition**

a. **You 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. If you have not already done so, you must:

- (1) Sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms in your immediate possession or control. This must be done within 24 hours of being served with this Order.
- (2) File a receipt with the court within 48 hours of receiving this Order that proves guns have been turned in or sold. (*You may use Form WV-800, Proof of Firearms Turned In or Sold, for the receipt.*)

c. The court has received information that you own or possess a firearm.

10 **Costs**

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

<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

Additional items and amounts are attached at the end of this Order on Attachment 10.

11 **Other Orders** (*specify*):

Additional orders are attached at the end of this Order on Attachment 11.

This is a Court Order.



To the Petitioner:

12 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 12.

13 Service of Order on Respondent

- a. Both the respondent and the employee attended the hearing. No other proof of service is needed.
- b. The respondent did not attend the hearing.
 - (1) Proof of service of Form WV-110, *Temporary Restraining Order*, was presented to the court. The judge’s orders in this form are the same as in Form WV-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 WV-110. Someone—but not the petitioner or anyone protected by this Order— must personally serve a copy of this order on the respondent.

14 No Fee to Serve Respondent

The sheriff or marshal will serve this Order without charge because the Order is based on unlawful violence , a credible threat of violence, or stalking.

15 Number of pages attached to this Order, if any: _____

Date: _____

Judicial Officer

This is a Court Order.

Warning and Notice to the Respondent

You Cannot Have Guns or Firearms

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this 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 as stated in item ⑨. 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). 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, 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 4 and *ends* on the expiration date in item ⑤ on page 1.

Arrest Required If Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of this order and has disobeyed it, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6. Agencies are encouraged to enter violation messages into CARPOS.

Notice/Proof of Service

The law enforcement agency must first determine if the restrained person had notice of the orders. Consider the restrained person served (given notice) if (Pen. Code, § 836(c)(2)):

- The officer sees a copy of the *Proof of Service* or confirms that the *Proof of Service* is on file; *or*
- The restrained person was at the restraining order hearing or was informed of the order by an officer.

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the restrained person cannot be verified and the restrained person was not present at the court hearing, the agency must advise the restrained person of the terms of the order and then enforce it.

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.



Case Number:

Conflicting Orders

A protective order issued in a criminal case on Form CR-161 takes precedence in enforcement over any conflicting civil court order. (Pen. Code, § 136.2(e)(2).) Any nonconflicting terms of the civil restraining order remain in full force. An *Emergency Protective Order* (Form EPO-001) that is in effect between the same parties and is more restrictive than other restraining orders takes precedence over all other restraining orders. (Pen. Code, § 136.2.)

(Clerk will fill out this part.)

Clerk's Certificate
[seal]

—Clerk's Certificate—

I certify that this *Workplace 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.

Clerk stamps date here when form is filed.

1 Petitioner (Employer)

Name: _____

2 Employee in Need of Protection

Name: _____

3 Respondent (Person From Whom Protection Is Sought)

Name: _____

4 Notice to Server

The server must:

- Be 18 years of age or older.
- Not be listed in items **1**, **2**, or **4** of Form WV-100.
- Give a copy of all documents checked in **5** below to the respondent. (You cannot send them by mail.) Then complete and sign this form and give or mail it to the petitioner.

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:**PROOF OF PERSONAL SERVICE****5** I gave the respondent a copy of the forms checked below:

- a. WV-109, *Notice of Court Hearing*
- b. WV-110, *Temporary Restraining Order*
- c. WV-100, *Petition for Workplace Violence Restraining Orders*
- d. WV-120, *Response to Petition for Workplace Violence Restraining Orders* (blank form)
- e. WV-120-INFO, *How Can I Respond to a Petition for Workplace Violence Restraining Orders ?*
- f. WV-130, *Workplace Violence Restraining Order After Hearing*
- g. WV-800, *Proof of Firearms Turned In or Sold* (blank form)
- h. Other (*specify*): _____

6 I personally gave copies of the documents checked above to the respondenta. On (*date*): _____ b. At (*time*): _____ a.m. p.m.

c. At this address: _____

City: _____ State: _____ Zip: _____

7 Server's Information

Name: _____ Telephone: _____

Address: _____

City: _____ State: _____ Zip: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

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

Date: _____

*Type or print server's name*_____
Server to sign here

What is “Service”?

Service is the act of giving legal papers to the other party. There are many kinds of service—in person, by mail, and others. This form is about personal or “in-person” service. The *Petition for Orders to Stop Workplace Violence* (Form WV-100), the *Notice of Court Hearing* (Form WV-109), and the *Temporary Restraining Order* (Form WV-110) must be served in person. That means that someone must personally “serve” (give) a copy of the forms to the person to be restrained. These forms cannot be served by mail.

Service lets the other person know:

- What orders you are asking for
- The hearing date
- How to respond

Why do I have to get the orders served?

- The police cannot arrest anyone for violating an order unless that person knows about the order.
- The judge cannot make the orders permanent unless the restrained person was served.

Who can serve?

Ask someone you know, a process server, or a law enforcement agency to personally serve (give) a copy of the forms to the person to be restrained. You **cannot** send the forms to that person by mail.

The server must:

- Be 18 years of age or older
- Not be you or anyone whom you are asking to be protected by the orders

The sheriff or marshal may be authorized to serve the court’s orders **for free** if the orders are based on claims of stalking, unlawful violence, or a credible threat of violence.

A registered process server is a business you pay to deliver court forms. Look for “Process Serving” in the Yellow Pages or on the Internet.

(If a law enforcement agency or the process server uses a different proof-of-service form, make sure it lists the forms served.)



Don't serve it by mail!

How to serve

Ask the server to:

- Walk up to the person to be served.
- Make sure it is the right person. Ask the person’s name.
- Give the person copies of all papers checked on Form WV-200, *Proof of Personal Service*.
- Fill out and sign the *Proof of Personal Service*.
- Give the signed *Proof of Personal Service* to you.

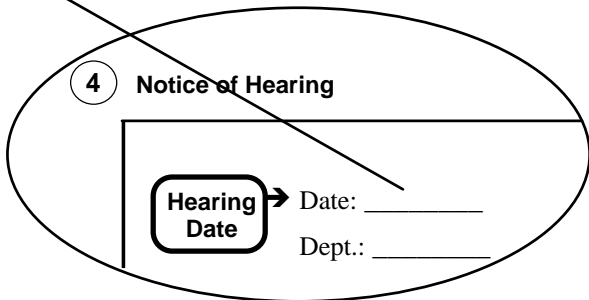
What if the person won't take the papers or tears them up?

- If the person will not take the papers, just leave them near him or her.
- It does not matter if the person tears them up. Service is still complete.

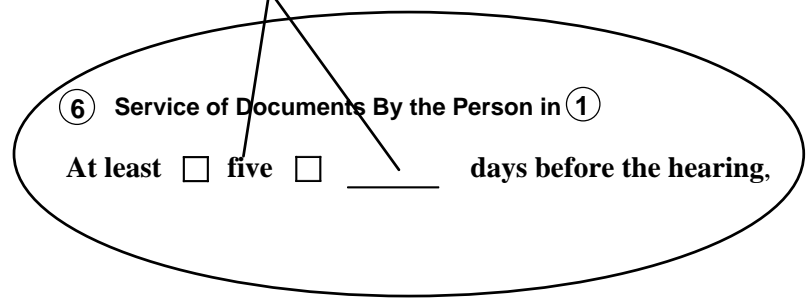
When do the orders have to be served?

It depends. To know the exact date, you have to look at two things on Form WV-109, *Notice of Court Hearing*.

First, look at the hearing date on page 1 of Form WV-109.



Next, look at the number of days in item ⑥ on page 2 of Form WV-109.



Look at a calendar. Subtract the number of days in ⑥ from the hearing date. That is the final date to have the orders served. It is always OK to serve earlier than that date.

If nothing is checked or written in ⑥, you must serve the orders at least five days before the hearing.

Who signs the *Proof of Personal Service*?

Only the person who serves the forms can sign Form WV-200, *Proof of Personal Service*. You do not sign it; the restrained person does not need to sign it.

What do I do with the completed *Proof of Personal Service*?

If someone other than the sheriff serves the papers, you should:

- Make several copies.
- File the original with the court before your hearing.
- Ask the clerk to enter it into the California Law Enforcement Telecommunications System (CLETS), a special computer system that lets police all over the state find out about the orders protecting you.
- If the clerk tells you that the court cannot enter it into the computer, take a copy of the *Temporary Restraining Order* (Form WV-110) and *Proof of Personal Service* (Form WV-200) to your local police. They will put the information into the state computer system. That way, police all over the state will know that your restraining order has been served.
- Bring a copy of the completed *Proof of Personal Service* to your hearing.
- Always keep an extra copy of the restraining orders with you for your safety.

If the sheriff serves the papers, he or she will send the proof of service to the court and CLETS for you.

What happens if I can't get the orders served before the hearing date?

Before your hearing, fill out and file Form WV-115, *Request to Continue Court Hearing and to Reissue Temporary Restraining Order*. This form asks the court for a new hearing date and makes your orders last until then. Ask the clerk for the form. After the court has reissued the orders, attach a copy of Form WV-116, *Notice of New Hearing Date and Order on Reissuance*, to a copy of your original orders. Ask the clerk to enter Form WV-116 into CLETS or the clerk may ask you or you attorney to deliver a copy to the police. That way, the police will know your orders are still in effect.

Clerk stamps date here when form is filed.

1 Petitioner (Employer)

Name: _____

2 Employee in Need of Protection

Name: _____

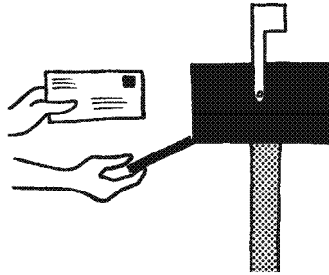
3 Respondent (Person From Whom Protection Is Sought)

Name: _____

4 Notice to Server

The server must:

- Be 18 years of age or older.
- Be a resident of or employed in the county where the mailing took place.
- Not be the respondent.
- Mail a copy of all documents checked in **5** below to the petitioner or the petitioner’s lawyer.
- Complete and sign this form and give it to the respondent.



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

Fill in case number:
Case Number:

PROOF OF SERVICE BY MAIL

5 I am 18 years of age or older and not a party to this proceeding. I am live or am employed in the county where the mailing took place. I mailed the petitioner or the petitioner’s lawyer a copy of:

- a. Form WV-120, *Response to Petition for Workplace Violence Restraining Order* (completed)
- b. Other (specify): _____

6 I placed copies of the documents listed above in a sealed envelope and mailed them as described below:

- a. Mailed to (name): _____
- b. To this address: _____
City: _____ State: _____ Zip: _____
- c. On (date): _____ Mailed from: City: _____ State: _____

7 Server’s Information

Name: _____ Telephone: _____
Address: _____
City: _____ State: _____ Zip: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

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

Date: _____

Type or print server’s name

Server to sign here

Clerk stamps date here when form is filed.

You may serve Form WV-130, Workplace Violence Restraining Order After Hearing, on the respondent by mail if the respondent was not at the hearing and:

- Before the hearing, the respondent was personally served with Form WV-110, Temporary Restraining Order, and proof of service of Form WV-110 was presented to the court at the hearing; and
- The judge's orders in Form WV-130 are the same as in Form WV-110 except for the expiration date.

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Petitioner (Employer)

Name: _____

2 Employee (Protected Person)

Name: _____

3 Respondent (Restrained Person)

Name: _____

PROOF OF SERVICE BY MAIL

4 I am 18 years of age or older and live or am employed in the county where the mailing took place. I am not the petitioner, the employee, or any person listed in item **4** of Form WV-130. I mailed the respondent a copy of:

- Form WV-130, *Workplace Violence Restraining Order After Hearing*
- Other (*specify*): _____

5 I placed copies of the documents above in a sealed envelope and mailed them as described below:

- Mailed to (*name*): _____
- To this address: _____
City: _____ State: _____ Zip: _____
- On (*date*): _____ Mailed from: City: _____ State: _____

6 Server's Information

Name: _____ Telephone: _____

Address: _____

City: _____ State: _____ Zip: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

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

Date: _____

Type or print server's name

Server to sign here

Clerk stamps below when form is filed.

Court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Petitioner (Employer)

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: _____

E-Mail Address: _____

2 Employee (Protected Person)

Full Name: _____

3 Respondent (Restrained Person)

Full Name: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

4 Request to Renew Restraining Order

I ask the court to renew the *Workplace Violence Restraining Order After Hearing* (Form WV-130). A copy of the order is attached.

a. The order ends on (date): _____

b. This is my first request to renew the order.

The order has been renewed _____ times.

c. I want the order to be renewed for three years other (specify): _____

d. I ask the court to renew the order because (explain below): Response is stated in Attachment 4d.

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

Date: _____

Type or print your name

Sign your name

This is not a Court Order.

Clerk stamps below when form is filed.

1 Petitioner (Employer)

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 No: _____
 E-Mail Address: _____

Court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

2 Employee (Protected Person)

Full Name: _____

3 Respondent (Restrained Person)

Full Name: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

To the Respondent:

4 Court Hearing

The judge has set a court hearing date. *Court will fill in box below.*

The current restraining order stays in effect until the end of the hearing.

Name and address of court if different from above: _____

Hearing Date → Date: _____ Time: _____
 Dept.: _____ Room: _____

At the hearing, the judge can renew the current restraining order for up to another three years. You *must* continue to obey the current restraining order until the hearing. At the hearing, you can tell the judge if you do not want the order against you renewed. If the restraining order is renewed, you *must* obey the order even if you do not attend the hearing.

If you wish to make a written response to the request to renew the restraining order, you may fill out Form WV-720, *Response to Request to Renew Restraining Order*. File the original with the court before the hearing and have someone age 18 or older—**not you**—mail a copy of it to the petitioner at the address in ① at least _____ days before the hearing. Also file Form WV-250, *Proof of Service of Response by Mail*, with the court before the hearing.

This is a Court Order.

To the Petitioner:**5 Service and Response**

Someone age 18 or older—**not you or anyone else protected by the restraining order**—must personally serve (give) a copy of the following forms on the respondent at least _____ days before the hearing.

- WV-700, *Request to Renew Restraining Order*;
- WV-710, *Notice of Hearing to Renew Restraining Order* (this form);
- WV-720, *Response to Request to Renew Restraining Order* (blank copy);
- WV-130, the current *Workplace Violence Restraining Order After Hearing* for which renewal is requested.

After the respondent has been served, file Form WV-200, *Proof of Personal Service*, with the court clerk. For help with service, read Form WV-200-INFO, *What Is “Proof of Personal Service”?*

Date: _____

Judicial Officer**Request for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons with Disabilities and Response* (Form MC-410). (Civ. Code, § 54.8.)

This is a Court Order.

Clerk stamps date here when form is filed.

Use this form to respond to the Request to Renew Restraining Order (Form WV-700)

- Fill out this form and then take it to the court clerk.
- Have someone age 18 or older—**not you**—serve the petitioner by mail with a copy of this form and any attached pages. (Use Form WV-250, Proof of Service of Response by Mail.)

1 Petitioner (Employer)

Name: _____

Court name and street address:
Superior Court of California, County of

2 Employee (Protected Person)

Name: _____

3 Respondent (Restrained Person)

a. Your Name: _____

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (you may give a mailing address if you want to keep your street address private; skip this if you have a lawyer):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

Fill in case number:
Case Number:

The court will consider your *Response* at the hearing. Write your hearing date, time, and place from Form WV-710 item 4 here.

Hearing Date → Date: _____
 Time: _____

Dept.: _____ Room: _____

You must continue to obey the current restraining order until the hearing. At the hearing, the court can extend the order against you for up to another three years.

4 Response

- a. I agree to extend the order.
- b. I do not agree to extend the order.
- c. I agree to the following order instead (specify below):

Check here if there is not enough space for your answer. Attach a sheet of paper and write "Attachment 4c—Order Requested" for a title. You may use Form MC-025, Attachment.

d. I ask the court not to renew the order for the following reasons (specify below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 4d—Reasons Not to Renew," for a title.



Case Number:

Date: _____

Lawyer's name, if you have one



Lawyer's signature

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

Date: _____

Type or print your name



Sign your name

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Petitioner (Employer)

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: _____

E-Mail Address: _____

2 Employee (Protected Person)

Full Name: _____

3 Respondent (Restrained Person)

Full Name: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

4 Hearing

There was a hearing on (date): _____ at (time): _____ a.m. p.m. Dept.: _____ Room: _____

(Name of judicial officer): _____ made the orders at the hearing.

These people were at the hearing:

a. The petitioner c. The lawyer for the petitioner (name): _____

b. The respondent d. The lawyer for the respondent (name): _____

Additional persons present are listed on Attachment 4.

5 Renewal and Expiration

The request to renew the attached *Workplace Violence Restraining Order After Hearing*, originally issued on (date) _____, is:

a. **GRANTED.** The attached order is renewed and will now expire on:

Time: _____ a.m. p.m. or midnight on (date): _____

If no expiration date is written here, the order expires three years from the date of the hearing in item **4**.

b. **DENIED.** The attached order expires as stated in item **5** of the order.

Date: _____

Judicial Officer

This is a Court Order.

1 What is a firearm?

A firearm is a:

- Handgun
- Rifle
- Shotgun
- Assault weapon



2 If you own or have a firearm you must:

- Turn it in to local law enforcement *or*
- Sell it to a licensed gun dealer

3 How do I sell my firearm?

Find a licensed gun dealer in your area.

Look under “Firearms Dealers” in your local Yellow Pages or on the Internet. Make sure the dealer is licensed.

4 How do I take my firearm to law enforcement?

Call your local law enforcement agency to ask about their procedures. Take a copy of the restraining order with you. Go directly to the law enforcement agency. Do not go anywhere else with firearms in your vehicle!

5 If I turn my firearm in to law enforcement, how long will they keep it?

Ask the law enforcement agency.

6 After I give my firearm to law enforcement, can I change my mind?

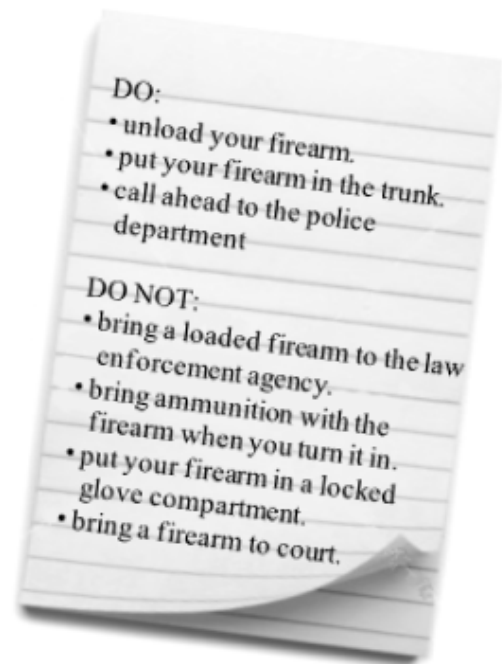
Yes. You are allowed to make one sale through a licensed gun dealer. To do this, a licensed gun dealer must present a bill of sale to your local law enforcement agency. The law enforcement agency will give the licensed gun dealer the firearm you are selling.

7 Do I have to pay the law enforcement agency to keep my firearm?

You may have to pay the agency for keeping your firearm. Contact your local law enforcement agency and ask if a fee is charged. The agency will tell you how much you need to pay.

8 Questions?

Call your local law enforcement agency:
(*insert local information here.*)



Commentators on Protective Orders:
Forms To Be Used in Proceedings to Prevent Civil Harassment, Elder and Dependent
Adult Abuse, Private Postsecondary School Violence, and Workplace Violence

Commentator	Comment on behalf of group ¹	Position ²	Page numbers
1. California Department of Justice	Y	AM	223–224
2. Frances Ho DV Services Coordinator Superior Court of Solano County	N	AM	225
3. Orange County Bar Association	Y	A	225
4. Superior Court of Amador County Janet Davis, Court Manager	Y	AM	226
5. Superior Court of Los Angeles County Los Angeles County Superior Court	Y	AM	226–230
6. Superior Court of Monterey County Minnie Monarque Deputy Court Executive Officer	Y	AM	230–240
7. Superior Court of Orange County Civil Division Managers Erin Rigby, Staff analyst	Y	AM	240
8. Superior Court of Orange County Family Law Judicial Panel Organization	Y	AM	241
9. Superior Court of Orange County Criminal Division Managers	Y	AM	241
10. Superior Court of Sacramento County Rebecca Reddish Business Analyst	Y	NI	242–258
11. Superior Court of San Diego County Michael M. Roddy Executive Officer	Y	AM	258–266
12. John Zeis Assistant Court Executive Officer Superior Court of Shasta	N	AM	266–268

¹ Group comment: Y=Yes; N=No

² Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

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	Commentator	Position	Comment	Committee Response
1.	California Department of Justice	AM	<p><u>All Orders</u> Item 2: Description of the Restrained Person: DOJ suggests that it would be helpful to include “relationship to the protected party.” This information would assist DOJ in tracking these orders to provide statistics.</p> <p><u>All TRO and ROAH</u> Personal Conduct and Stay-Away Orders: DOJ suggests deleting the check box in front of the other protected persons. It states that all orders should apply to all the protected persons unless an exception is identified by a court.</p> <p><u>All Orders</u> Mandatory Entry into CARPOS and Instructions to Law Enforcement: “Enforcing the Restraining Order:” The “into CLETS” language should be “into CARPOS” like the title.</p> <p><u>109’s Notice of Court Hearing</u> DOJ suggests deleting “This is a Court Order” on the bottom of the pages. Otherwise, if a court denies all the orders in Item 4a(2), there is not any court order, but just a notice.</p> <p><u>CH-110 and CH-130 (and maybe EA, SV, and WV)</u> Additional Protected Persons: DOJ suggests using the same language in this item for the CH-110 and the CH-130 forms.</p>	<p><u>All Orders</u> Item 2: Description of the Restrained Person: A place to indicate the relation to the protected party has been added to the orders, as suggested by the DOJ.</p> <p><u>All TRO and ROAH</u> Personal Conduct and Stay-Away Orders: The committee thought it is clearer to retain the check boxes in front of other protected persons so that judicial officers can clearly indicate whether those other persons are protected by the orders.</p> <p><u>All Orders</u> Mandatory Entry into CARPOS and Instructions to Law Enforcement: The order forms have been revised to reflect this suggestion.</p> <p><u>109’s Notice of Court Hearing</u> The committee agreed with this suggestion and has removed “This is a Court Order” from the 109 forms.</p> <p><u>CH-110 and CH-130 (and maybe EA, SV, and WV)</u> Additional Protected Persons: The CH-130 has been changed to say “of that person.”</p>

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Protective Orders: Forms To Be Used in Proceedings to Prevent Civil Harassment, Elder Abuse, Private Postsecondary School Violence, and Workplace Violence

	Commentator	Position	Comment	Committee Response
			<p><u>EA-110 TRO and EA-130 ROAH</u> Item 9 (EA-110) and item 10 (EA-130) -- Financial Abuse: For clarity, DOJ suggests making separate check boxes to identify the category of abuse involved. For instance, this item would be more clear if it read: “This case involves” and then put check boxes in front of these 3 categories: “solely financial abuse”; “force, threat, harassment, intimidation, or any other form of abuse”; “financial abuse and force, threat, harassment, intimidation, or any other form of abuse.” This is important so law enforcement is clear on whether the firearm prohibitions apply.</p> <p><u>EA-130 ROAH</u> Item 9 -- Firearms Prohibition: DOJ suggests making the language consistent with Item 8 on the EA-110. DOJ prefers the language in the EA-110.</p> <p><u>All Orders</u> Instructions to Law Enforcement DOJ suggests adding a short statement that “Agencies are encouraged to enter violation messages into CARPOS.”</p>	<p><u>EA-110 TRO and EA-130 ROAH</u> Item 9 (EA-110) and item 10 (EA-130): The committee did not think that the amount of detail suggested is necessary. This item is intended to flag for the court and the parties that only financial abuse is involved; it advises law enforcement that the firearms prohibition is not in effect. It is not necessary in a court order to categorize the particular aspects of nonfinancial abuse involved.</p> <p><u>EA-130 ROAH</u> Item 9: Firearms Prohibition: The language in EA-130 has been changed to be consistent with EA-110, except that “If you have not already done so” has been retained. If a TRO was issued, firearms should have already been turned in.</p> <p><u>All Orders</u> Instructions to Law Enforcement The statements have been added.</p>

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	Commentator	Position	Comment	Committee Response
4.	Superior Court of Amador County Jackson, California By Janet Davis Court Manager	AM	<p>Applicable to forms CH-115, CH-116, EA-115, EA-116, SV-115, SV-116, SV-130, WV-115, WV-116, WV-130:</p> <p>Clerk fills in the case number on initiating forms since the case number is not known. After that the customer is to fill in the case number before filing the documents. (Text normally on forms:)</p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p style="font-size: small;">1 Clerk fills in case number when form is filed.</p> <p>Case Number:</p> </div> <div style="border: 1px solid black; padding: 5px; margin: 5px 0; background-color: #e0e0ff;"> <p style="font-size: small;">Fill in case number:</p> <p>Case Number:</p> </div>	The committee agreed that all applicable subsequently filed forms that do not already use the “fill in case number” terminology should be revised to use this terminology.
5.	Superior Court of Los Angeles County	AM	<p><u>TRO’s and OAH’s</u></p> <p>The Los Angeles Superior Court opposes the change to add the following additional blocks to all TRO forms:</p> <p style="text-align: center;">[] Not requested [] Denied [] Granted as Follows:</p> <p>on the following grounds:</p> <p>1. Additional boxes are unnecessary – the current form and practice of indicating that the order is granted by checking a box is sufficient.</p>	<p><u>TRO’s and OAH’s</u></p> <p>The issue of whether there should be explanatory boxes is discussed in detail the report. A majority of the commentators supported including the explanatory boxes on the order forms. The committee recommends that the explanatory boxes be included on the temporary restraining orders (the 110 forms) but not on the orders after hearing (the 130 forms).</p> <p>1. Unless there is a separate box for “Denied,” the notice given to law enforcement and the parties about the court’s rulings is not as clear as it can be. An unchecked a single box is not as clear or effective as checking a box for “Denied.”</p>

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Protective Orders: Forms To Be Used in Proceedings to Prevent Civil Harassment, Elder Abuse, Private Postsecondary School Violence, and Workplace Violence

	Commentator	Position	Comment	Committee Response
			<p>2. Checking a “Not Requested” box does not indicate a ruling and may be confusing to the enforcing authority. The Sheriff must know if relief has been “granted.”</p> <p>3. Because some requested orders have subparts (stay away orders, for example – have 9 subparts – and 9 possible sub-orders) – a petitioner could have requested a stay away from home -- but not work. The Court could arguably be required to mark both boxes --“not requested” and “granted as follows” to be accurate.</p> <p>4. The current form should mirror the ORDER AFTER HEARING FORMS [CH 140] which involve the bench officer checking one box to grant the order.</p> <p>5. Changes are not warranted based on the statute. Nothing in the statutes authorizing restraining orders for civil harassment, elder abuse or school site violence appears to support these changes.</p>	<p>2. The concerns with checking “Not Requested” do not seem warranted. Checking this box is a clear statement that no action is being taken on the item on the form because the relief described has not been sought.</p> <p>3. The forms are well designed to address subparts. The statement “Granted <u>As Follows</u>:” makes it clear that whatever is checked (i.e., any checked subparts) have been granted and whatever has not been checked are not granted. If anything in an item is granted, the “Not Requested” box at the top would not be checked.</p> <p>4. The committee disagreed. It recommends including the explanatory check boxes on all the temporary restraining orders (the 110 forms).</p> <p>5. The Legislature does not attempt to lay out in detail how any of the protective order forms should be drafted, but it does direct the Judicial Council to develop forms for this purpose. (See e.g., Code Civ. Proc., § 527.6(v)(1)(council shall develop forms, instructions, and rules; the petition and response forms shall be “simple and concise”; the forms shall be mandatory). Thus, the council has the discretion to draft the forms consistent with the law, and , in doing so, may make the forms as clear as possible. This includes designing form orders so that parties and law enforcement can clearly understand the rulings of the court.</p>

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	Commentator	Position	Comment	Committee Response
			<p><u>109 (Notice of Court Hearing)</u> Item 4b: The Los Angeles Superior Court opposes adding language requiring a bench officer to provide an explanation of the decision to deny the requested relief. The Court understands that there is a trend, starting with the prior updates of the DV and School Site TRO forms, to require the bench officer to specify reasons for the denial of a protective order. On the current Civil Harassment forms and Elder Abuse/ forms, no explanations are required or requested. These forms should not be amended to require the reasons to be specified for the following reasons:</p> <p>1. A bench officer may not have sufficient time or room on the form to detail all reasons for the denial, which can range from credibility issues to weight of the evidence issues.</p>	<p><u>109 (Notice of Court Hearing)</u> Item 4b: The committee disagreed with this comment. As explained in the report, although only the domestic violence statute currently explicitly requires the judge to state reasons for the denial of a temporary restraining order, in all types of protective order proceedings, the explanation for a denial is useful to the parties. It assists them in better preparing for the hearing. Also, providing this information is important for an appellate court in the event of an appeal. Hence, the committee recommends including a place on all notice of hearing forms for the judge to at least briefly explain the reasons for denial of a request for temporary restraining orders.</p> <p>1. The 109 forms do not state that a judge must “detail all reasons for the denial.” The forms are designed so that they can be used efficiently and flexibly. They include the most common ground for denial with a simple check box in front of it. The forms also provide a space for the judge to make whatever or additional statements explaining the decisions to deny the request briefly or in detail, as may be appropriate.</p>

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	Commentator	Position	Comment	Committee Response
			<p>2. Statutes and case law do not require specification of reasons on the orders.</p> <p>3. The reason for the denial may be seen as a limitation on the court at the subsequent hearing – and may impart to petitioner only a portion of the court’s reasoning.</p> <p>4. The specification is unduly burdensome.</p>	<p>2. The case law indicates that, even if a court is not required by law to provide an explanation for its denial of a temporary restraining order, that does not mean that a court should decline to provide reasons for its ruling. (See <i>Nakamura v Parker</i> (2007) 156 Cal.App.4th 327, 334-335.) After <i>Nakamura</i>, the Legislature agreed with the importance of providing reasons for a denial and mandated the provision of reasons for denial in proceedings involving domestic violence. (See AB 2553 (Solorio; Stats. 2008, ch. 263) (adding section 6320.5 to the Family Code to require a court to state its reason for denying an ex parte restraining order).) Although a statement of reasons is not mandated for other types of protective order proceedings, there are sound due process, policy, and practical reasons for providing litigants with an explanation why a request has been denied. Omitting a place on the form for a statement of the judge’s reason for a denial would preclude the judge from providing a reason even though there are sound reasons for providing it.</p> <p>3. The denial of a temporary restraining order does not limit the court’s ability to issue any orders after a hearing. Although the 109 form may only impart only a portion of the court’s reasoning, providing that is better for the parties than providing no reason whatsoever.</p> <p>4. The specification does not need to be burdensome, as indicated in the response to 2.</p>

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	Commentator	Position	Comment	Committee Response
			<p>5. The proposed change, which allows a bench officer to simply check boxes indicating that the denial is based on a lack of showing of the elements required under the respective statutes, does not provide the petitioner with any thoughtful information for the subsequent hearing and is therefore useless.</p>	<p>5. For a litigant, being informed that they failed to make the requisite showing under the statute and providing the statutory requirements is not useless. However, if a judge thinks that more information is necessary, the 109 forms will permit him or her to add whatever additional statements are appropriate. Unless the form is designed to provide a place for an explanation, the judge would not be able to provide this explanation.</p>
6.	Superior Court of Monterey County	AM	<p><u>Renumbering</u> 1. Renumbering the forms so that they track consistently among the five groups of protective order forms is helpful to both the court and the litigants.</p> <p>2. The proposed numbering is acceptable: 100s for petitions, 120s for responses, 109s for notice of hearings, 110s for temporary orders, etc.</p> <p><u>Caption</u> The address block change is fine – the separate fields make it more likely that all fields will be entered completely.</p>	<p><u>Renumbering</u> 1. The commentator’s support for the renumbering is noted.</p> <p>2. The commentator’s support for the specific renumbering proposed is noted.</p> <p><u>Caption</u> The commentator’s support for the address block changes is noted—also the point that the separate fields will make it more likely that all information will be entered completely is good.</p>

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	Commentator	Position	Comment	Committee Response
			<p><u>Caption</u> Remove the Age field – this should not be included in the address block. Petitioners should not have to reveal their age just because they want to request a restraining order. If the court is using this information to determine if the petitioner is of sufficient age to submit the request, then the confidential CLETS form is the only appropriate place for this. Also, requiring an Age field is inconsistent with all other protective order request forms.</p> <p><u>Caption</u> Removal of the petitioner’s name from subsequent pages is great – this was usually getting missed and causing time delays for the clerk to flag it.</p> <p><u>Attachment References (Overflow Instructions)</u> The wording for attachment instructions is inconsistent and confusing in all of the forms. For consistency, allow only form MC-025 for attachments, instead of blank paper. For additional information, use form MC-025, and write “Attachment 3b – Why Others Need Protection” or have a checkbox with “Continued on Form MC-025 as Attachment 3b.”</p>	<p><u>Caption</u> The committee disagreed with the suggestion to remove the Age field. Judicial officers often want to know the age of the petitioner, and requesting age is less intrusive than requesting a date of birth. All the petitions in this report ask for information about age. However, the Age field has been removed from the captions of some other forms where it had been included.</p> <p><u>Caption</u> The commentator’s support for this change is noted.</p> <p><u>Attachment References (Overflow Instructions)</u> The committee disagreed with this suggestion. There are people with no access to MC-025. For their sake, the option to add a written attachment should be preserved.</p>

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	Commentator	Position	Comment	Committee Response
			<p><u>CH-100– Petition (and maybe other 100s)</u> Item 4. The relationship of the parties should just be a one line answer. Remove the instructions for an attachment. Giving more space tends to lead the petitioner into a description of abuse instead of focusing on how the petitioner knows the respondent.</p> <p><u>EA-100 - Petition</u> Item 3b: Add “attach a copy of the conservatorship documents.”</p> <p><u>EA-100 - Petition</u> Item 4: Use “Attorney Information” instead of “Contact Information.”</p> <p><u>EA-100 - Petition</u> Item 4. It would be less confusing if the attorney information was with the petitioner’s information in the upper caption. This will also be consistent with the other protective order forms.</p> <p><u>EA-100 - Petition</u> Item 10c: It seems unnecessary as duplicative with 10a(2).</p>	<p><u>CH-100– Petition (and maybe other 100s)</u> Item 4: The committee disagreed. Although the information provided about the relationship should be brief (and the single line provided on the forms encourages brevity), the attachment is needed because sometimes it may require more than one line to describe the relationship.</p> <p><u>EA-100 - Petition</u> The committee disagreed. The conservatorship documents may be attached in response to the instructions after item 3c.</p> <p><u>EA-100 - Petition</u> Item 4: The committee disagreed. It is possible that the petitioner will be unrepresented.</p> <p><u>EA-100 - Petition</u> Item 4: The committee disagreed. Because the contact information could be for (1) the elder or disabled adult; (2) the person petitioning on behalf of the elder or disabled adult; or (3) the attorney, it cannot go in item 1.</p> <p><u>EA-100 - Petition</u> Item 10c: The committee disagreed. Item 10a(2) is a definition; item 10c is where facts are set forth.</p>

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	Commentator	Position	Comment	Committee Response
			<p><u>EA-100 - Petition</u> Item 13 (Move Out). The second sentence is confusing, instead use “The person is (2) is not named in the title or lease to the residence.”</p> <p><u>SV-100 - Petition</u> Item 5b: Instead of “current student of petitioner” use “current student of petitioner’s institution”</p> <p><u>SV-100 - Petition</u> Item 18. Instead of “Name and title of person signing for petitioner” use “Petitioner” because under Item 1, the petitioner is the officer or employee of the institution and not the institution itself.</p> <p><u>SV-100 and WV-100 – Petitions</u> Item 5b: The use of parenthesis after the question is inconsistent.</p>	<p><u>EA-100 - Petition</u> Item 13 (Move Out). The committee agreed in part. It adopted the commentator’s proposed sentence but, to more accurately reflect the statute, has added at the end of the sentence the words “either alone or with others besides the person in (1).”</p> <p><u>SV-100 - Petition</u> Item 5b: The committee agreed with this suggestion and has made the change.</p> <p><u>SV-100 - Petition</u> Item 18: The committee agreed with this suggestion and has made the change.</p> <p><u>SV-100 and WV-100 – Petitions</u> Item 5b: The committee agreed with this suggestion and has added the parenthesis to SV-100.</p>

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	Commentator	Position	Comment	Committee Response
			<p><u>102 CLETS</u> There should be a single form with a universal designator, CLETS-001, as suggested, is fine. This will provide a unity among the five protective orders and the information needed for all five protective orders would be identical. The petitioner will know that this CLETS form needs to be completed because the Request form references this CLETS form. So if a single CLETS form is used, that means that all of the proposed Request forms need to be changed to reference the single form. Also, as this is not a form that is served on the respondent, having a numbering for this form that is separate from the protective order numbering will prevent accidental service by law enforcement.</p> <p><u>102 CLETS</u> “Case number” is preferable over “Case number of your restraining order.” However, the parenthetical “if you know it” after “Case number” should be removed because it is inconsistent with all other case number fields on the forms.</p>	<p><u>102 CLETS (redesignated CLETS-001)</u> The committee agreed. See report for discussion of this issue.</p> <p><u>102 CLETS (redesignated CLETS-001)</u> The committee agreed that “case number” is preferable, but disagreed that “if you know it” should be removed. The petitioner may not yet know their case number when they are completing the CLETS Information form. The purpose of this form is to get petitioners to provide information about themselves and respondents. Petitioners should not feel intimidated or discouraged from providing as much information as possible. When the petitioner finds out their case number later when they are submitting the form, it can be added.</p>

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	Commentator	Position	Comment	Committee Response
			<p><u>102 CLETS</u> Remove the “[optional]” designator after the telephone number of the protected party because the court needs to have a telephone number to communicate with the protected party.</p> <p><u>102 CLETS</u> Instead of the mailing address of the petitioner, ask for the physical address of the protected party to assist law enforcement with enforcing the order.</p> <p><u>102 CLETS</u> Include a date and signature line on the form to avoid confusion as to which iteration of the form is most current.</p> <p><u>102 CLETS</u> Include checkboxes on the form as to which law enforcement agency will be serving the papers or whether the party will arrange service.</p> <p><u>102 CLETS</u> Include the relationship to the petitioner for all protected parties to assist law enforcement with enforcing the order and to be consistent with the other protective order forms.</p>	<p><u>102 CLETS (redesignated CLETS-001)</u> The committee disagreed with this suggestion. Because of the risk that the form might inadvertently become public, the telephone number should not be included unless the party chooses to provide it.</p> <p><u>102 CLETS (redesignated CLETS-001)</u> The committee disagreed with this suggestion. It thinks that the form should not include the physical address of the protected person because of the risk of possible inadvertent disclosure of the address.</p> <p><u>102 CLETS (redesignated CLETS-001)</u> The committee thinks that the date is useful, but that a signature line is not necessary. Places have been included on the CLETS Information form to indicate the initial and amended dates of submission of the form.</p> <p><u>102 CLETS(redesignated CLETS-001)</u> The committee did not think this information should be on the CLETS Information form, which is designed to provide data to be included in CARPOS, not information for service of orders.</p> <p><u>102 CLETS (redesignated CLETS-001)</u> The committee agreed. Information about the relationship of other protected persons to the petitioner has been included in item 4.</p>

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Protective Orders: Forms To Be Used in Proceedings to Prevent Civil Harassment, Elder Abuse, Private Postsecondary School Violence, and Workplace Violence

	Commentator	Position	Comment	Committee Response
			<p><u>109 and 110 (Notice of Hearing and TRO)</u> It would be more helpful if the notice of hearing and temporary orders are combined into one form, as it was previously. The separation of these forms has created confusion and additional forms that do not seem necessary.</p> <p><u>109 – Notice of Court Hearing</u> Item 4a: options should include a denial of the TRO and a denial of the hearing.</p> <p><u>110 – Temporary Restraining Order</u> Personal Conduct Orders: the language under b. is fine.</p> <p><u>110 – Temporary Restraining Order</u> Stay Away Orders: the separation of petitioner from other protected parties is good to help the judge distinguish the orders. It is also helpful that the list is identical to the lists in the Request and the Restraining Order After Hearing forms, which was not previously the case.</p>	<p><u>109 and 110 (Notice of Hearing and TRO)</u> The committee disagreed with the suggestion to combine the forms. See report for a detailed discussion of this issue.</p> <p><u>109 – Notice of Court Hearing</u> Item 4a: The committee agreed in part and disagreed in part. The notice of hearing form has been designed to include a place to indicate the denial of the request for a temporary restraining order but not of a hearing. Even if the petitioner’s request for a temporary order is denied, the petitioner is entitled to have a hearing on the petition.</p> <p><u>110 – Temporary Restraining Order</u> No response necessary</p> <p><u>110 – Temporary Restraining Order</u> Stay Away Orders: The support for the separation of the petitioner from other protected persons is noted. The forms have been further revised so that the format on the stay away orders has been standardized—not only within the form sets but also across form sets.</p>

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	Commentator	Position	Comment	Committee Response
			<p><u>110 – Temporary Restraining Order</u> The notice to law enforcement is confusing because it states that the restrained party had notice of the TRO if they were at the restraining order hearing, but this form is used before any hearing. The OAH forms are used after any hearing. Other than that, the wording is good and helpful for law enforcement to enforce the order.</p> <p><u>110 – Temporary Restraining Order</u> The firearm restrictions notice, although repetitive, are helpful.</p> <p><u>110 – Temporary Restraining Order</u> The request forms include a checkbox for waiving the filing fee, but there is no place on the 110 forms for the judge to grant or deny this request.</p> <p><u>115 – Request for Continuance</u> It is unclear why there needs to be a separate form for the request for a continuance (115) and an order for the continuance (116). These forms should be combined or indicate on the form when one or both would be used.</p>	<p><u>110 – Temporary Restraining Order</u> The committee agreed with this comment. The confusing language has been removed.</p> <p><u>110 – Temporary Restraining Order</u> The committee agreed and has retained the notices.</p> <p>The committee disagreed. The issue of whether there is a waiver of the filing fee should be resolved separately from the issuance of the TRO.</p> <p><u>115 – Request for Continuance</u> The committee disagreed with this comment. The 115 and 116 forms are different in scope and purpose, and cannot be effectively combined. Also, combining the request and order on same form does not work for modern case management systems and other document assembly systems or for e-filing. See report for a more detailed discussion.</p>

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	Commentator	Position	Comment	Committee Response
			<p><u>115 – Request for Continuance</u> Item 3: It is unclear whether the petitioner is supposed to attach a newly filled out 110 form or the 110 form previously issued by the court.</p> <p><u>115 – Request for Continuance</u> Item 3c. This wording is confusing and has caused confusion in the past. Instead of having two checkboxes, use: This is the _____ time that I have requested a reissue of the temporary restraining order.</p> <p><u>116 Order on Request for Continuance</u> Item 3, New Hearing Date (circulated as item 4a (Request for New Hearing Date)): Change “A new hearing date was requested by” to “A new hearing date is requested by” Use of the past tense implies there was a previous request and may confuse the requesting party.</p> <p><u>116 Order on Request for Continuance</u> Item 3b(2) (circulated as item 4b(1)): Instead of “The person from whom protection is sought” use “The person in (2).”</p>	<p><u>115 – Request for Continuance</u> Item 3: The basic concept of “reissuance” means that it is the same temporary restraining order that was originally granted that is attached. It remains in effect until the new hearing date.</p> <p><u>115 – Request for Continuance</u> The committee considered this alternative but concluded that the current two-checkbox version is clearer and more informative.</p> <p><u>116 Order on Request for Continuance</u> Item 3, New Hearing Date (Item 4a (Request for a New Hearing Date)): The item has been revised for clarity and no longer includes the previous language.</p> <p><u>116 Order on Request for Continuance</u> Item 3b(2) (circulated as item 4b(1)): The committee disagreed. The more complete description is clearer, particularly as the options have been expanded.</p>

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	Commentator	Position	Comment	Committee Response
			<p><u>116 Order on Request for Continuance</u> Item 5c: It is unclear whether the petitioner is supposed to attach a new 110 form or the 110 already issued by the court – the local rules of court for Monterey County prohibits attaching already filed documents.</p> <p><u>116 Order on Request for Continuance</u> Items 7a on CH-116 and Item 8a on the school violence form (SV-116) – refer incorrectly to “workplace violence” it instead should reference the specific protective order.</p> <p><u>116 Order on Request for Continuance</u> Item 7a: If the respondent is the person requesting the order, then the petitioner must be served. So instead of “the person in (2)” use “the other party.”</p> <p><u>116 Order on Request for Continuance</u> Item 7b: The checkbox is confusing because it states that service is not necessary if the parties were present at the hearing, but this form would only be used if there was no hearing yet.</p>	<p><u>116 Order on Request for Continuance</u> Item 5c: The TRO on form 110 previously issued should be attached to the order granting the reissuance. As indicated above, the character of reissuance is that the original order is reissued until a later date. To eliminate ambiguity about the use of attachments, the court may want to reconsider its local rule and clarify that it does not apply to form orders such as CH-116 issued by the court.</p> <p><u>116 Order on Request for Continuance</u> These references have been corrected.</p> <p><u>116 Order on Request for Continuance</u> Item 7a: The committee agreed and made the change.</p> <p><u>116 Order on Request for Continuance</u> Item 7b: The committee disagreed. The respondent could have appeared at the initial hearing date and requested the continuance.</p>

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	Commentator	Position	Comment	Committee Response
			<p><u>CH-120 Response</u> Item 9: the respondent can request a waiver of the filing fee, but there is no way for the court to grant or deny this without a place for the judge’s signature.</p> <p><u>CH-720 Response to Request to Renew</u> Is there a fee to file this response, as there is with the CH-120? If so, there should be a checkbox for a waiver of the filing fee.</p>	<p><u>CH-120 Response</u> Item 9: The committee agreed that a revision of the response form would be helpful: boxes have been added for the respondent to indicate whether a fee waiver is being requested (which request must be filed separately). However, it would not be appropriate to include a place for a judge’s signature on this response form; the judge’s order on the request for a fee waiver would be on a separate order.</p> <p><u>CH-720 Response to Request to Renew</u> There is no fee to file this form.</p>
7.	Superior Court of Orange County Civil Division Managers	AM	<p><u>110 TRO’s and 130 OAH’s</u> Multiple option check boxes should be included on all the order forms instead of a single check box at the beginning of each order. It is much clearer to have check boxes to indicate whether a particular item has been granted, denied, or not requested at the beginning of each item that might be ordered by the judicial officer. With a single check box, if it is not checked, it means the order is denied which can be confusing to the parties.</p>	<p><u>110 TRO’s and 130 OAH’s</u> The commentator’s support for multiple checkboxes on the orders is noted. The committee recommends using this approach on all the temporary restraining orders but not on the orders after hearing.</p>

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	Commentator	Position	Comment	Committee Response
8.	Superior Court of Orange County Family Law Judicial Panel Organization	AM	<p><u>110 TRO's and 130 OAH's</u> Personal Conduct Orders: If the purpose of the revisions is to eliminate unnecessary differences and promoting consistency among protective orders where possible, then add the language "keep under surveillance or block the movements".</p> <p><u>SV and WV 110 TRO's and 130 OAH's</u> Personal Conduct Orders: Add the language "destroy personal property"</p>	<p><u>110 TRO's and 130 OAH's</u> Personal Conduct Orders: The committee does not recommend adding these provisions that have not been included on the non-domestic violence restraining orders in the past.</p> <p><u>SV and WV 110 TRO's and 130 OAH's</u> Personal Conduct Orders: The committee agreed. This language, which is in the amended statutes, should be included. (See Code Civ. Proc., §§ 527.8(b)(6)(A), 527.85(b)(6)(A).)</p>
9.	Superior Court of Orange County By Criminal Division Managers	AM	<p>Global Comment Add date of birth throughout for protected person, restrained person, and additional protected persons. This is not a DOJ requirement for protected parties; however, if the information is available, it should be entered as it may support enforcement of the order.</p> <p>Global Comment All proof-of-service forms: Servers information: add Agency ID # and Served agency name.</p>	<p>Global Comment The committee disagreed with this suggestion. Asking for age on publicly filed documents is sufficient. Asking throughout for date of birth information, which is more sensitive, on all parties is not necessary. The relevant information will be provided to law enforcement on the <i>Confidential CLETS Information</i> (form CLETS-001).</p> <p>Global Comment The committee disagreed with this suggestion. There is already a field on all proof of service forms for the registered process server's registration number. This is sufficient.</p>

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	Commentator	Position	Comment	Committee Response
10.	Superior Court of Sacramento County By Rebecca Reddish Business Analyst	NI	<p>Global Comment Eliminate the use of contractions - don't, weren't, haven't, etc.</p> <p>Global Comment Delete reference to CARPOS and CLETS. This is the responsibility of the clerk or law enforcement and it is unnecessary to have the judge make an order. In info sheets, the public does not need to advise the court of the internal process.</p> <p>Global Comment Change the word "police" to "law enforcement agency."</p> <p>Global Comment Where existing JC forms read "the court" these forms read "the court clerk" Recommendation: remove "clerk" and return to using "the court."</p> <p>Global Comment Change the word "write" to "print" in overflow instructions.</p>	<p>Global Comment The committee disagreed. The plain-language standard on these forms, which are primarily used or read by self-represented litigants, is appropriate.</p> <p>Global Comment Except in domestic violence proceedings, the court may still order parties to deliver copies of protective orders to law enforcement to be entered through CLETS into CARPOS. (See Code Civ. Proc., § 527.6 (q)(1).) Hence, the form orders need to have a place for the judicial officers to make these orders.</p> <p>Global Comment The committee disagreed with this suggestion. In terms of plain-language, "police" is sometimes a preferable choice.</p> <p>Global Comment The committee disagreed. The plain-language protective order forms appropriately distinguish in different places between the "court clerk" and the court." Depending on context, one or the other word may be clearer or more accurate.</p> <p>Global Comment The committee disagreed. Under plain-language standards, "write" is generally clearer and more comprehensive than "print."</p>

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	Commentator	Position	Comment	Committee Response
			<p>Global Comment Delete reference to "24 hours" or "next business day" for judge determination.</p> <p>Global Comment Reference to "Person to be Protected" and "Person to be Restrained" varies between forms. Recommend these as consistent descriptors.</p>	<p>Global Comment The committee disagreed. Under AB 1596, all the protective order statutes now require same-day processing if feasible.</p> <p>Global Comment Consistency in the description of the persons described on the forms is desirable, but there are reasons why the terminology in all the protective order forms cannot be the same.</p> <p>For CH, "Person Seeking Protection" and "Person From Whom Protection Is Sought" will be used for forms filed before an order is issued. "Protected Person" and "Restrained Person" will be used once an order is issued. Parties should be not be labeled as "to be protected" or "to be restrained" because a restraining order may not be issued.</p> <p>For EA, "Elder or Dependent Adult In Need of Protection" should be used because it may not be the victim who is seeking it.</p> <p>The SV and WV need to be different from CH and EA because the petitioner is the employer or school official. Because these representatives, who are usually represented by counsel, are involved, using "petitioner" and "respondent" simplifies the forms. These forms also need to identify the student or employee to be protected.</p>

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	Commentator	Position	Comment	Committee Response
			<p>Global Comment Change word: lawyer to attorney</p> <p>Global Comment Information sheets marked as mandatory, recommend change to optional.</p> <p>Global Comment Change “Protective” to “Restraining.”</p> <p>Global Comment There are many references in these forms to attaching additional pieces to paper. The forms have been made incredibly long and yet, we are still asking for more information through attachments.</p>	<p>Global Comment The committee disagreed. In recent years, the forms have consistently used “lawyer” which is preferred for plain-language reasons.</p> <p>Global Comment The committee agreed. Forms SV-100-INFO, SV-120-INFO, SV-200-INFO, WV-100-INFO, WV-120-INFO, and WV-200-INFO, which were marked as mandatory, have been changed to optional.</p> <p>Global Comment The committee has changed the terminology in many places on the forms. However, the use of the term “protective order” is sometimes appropriate. It is a broader term. It is also plainer. And it is used in most jurisdictions outside California.</p> <p>Global Comment The committee disagreed with the thrust of this comment, which seems to want no attachments on forms. Judicial Council forms have always directed parties to use attachments when there is not enough room on a form to enter the answer. If the opportunity to use attachments is not indicated or made possible on the forms, parties might be compelled to cram in information, provide incomplete and insufficient information, or add attachments in a more random manner.</p>

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	Commentator	Position	Comment	Committee Response
			<p>Global Comment Box for personal identification information: Be consistent across all forms with the order of the demographic data elements.</p> <p>Global Comment Change “Driver’s License” to “Driver License”</p> <p>Global Comment Black Boxes with “To (party)” before items: These black boxes are very confusing.</p> <p>Petition (100’s) Remove sentence: "Also fill out CLETS form.”</p> <p>Petition (100’s) Second overflow instruction: “the attached sheet of paper”</p> <p>Petition (100’s) Other Court Cases: This is overkill. In the existing form this question is two lines and is often not completed. This revised look takes up too much space for an area that is seldom used.</p>	<p>Global Comment The committee agreed that this information should be standardized to the extent feasible.</p> <p>Global Comment The committee disagreed because “driver’s license” is in plain language: it is more commonly used and understood.</p> <p>Global Comment The committee disagreed. The black boxes help to flag important information relevant to just one party.</p> <p>Petition (100’s) The committee disagreed. The petitioner should fill out the <i>Confidential CLETS Information</i> form and submit it to the court with the petition. The instruction makes this clear.</p> <p>Petition (100’s) Many of the overflow instructions have been clarified by adding a statement that “You may use MC-025, Attachment.”</p> <p>Petition (100’s) Other Court Cases: Although the list is long, it assists parties to quickly identify types of cases and is easy to review. The committee recommends retaining the lists, with the inclusion of “small claims” on the CH forms.</p>

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	Commentator	Position	Comment	Committee Response
			<p>Petition (100’s) Immediate orders: change “now” to “effective immediately.”</p> <p>Petition (100’s) Immediate Orders: This item is not complete; copy language from DV-100 regarding notice or no notice and why.</p> <p>CH-100 Petition Item 6b: Delete reference "if you have one". Do not encourage people not to comply. If they can't find the copy they will tell us.</p> <p>CH-100 Petition Item 7b: change italicized instruction to include reference to date: describe prior incidents and provide date of harassment below.</p> <p>EA-100 Petition Item 4: The language goes back and forth regarding elder or person assisting elder. Change: "Your Lawyer" to "Person to be protected’s attorney"</p>	<p>Petition (100’s) The committee disagreed. The use of “now” is plainer language.</p> <p>Petition (100’s) Immediate Orders: The CH-110 does not need to use the language from the DV-100 because it has its own a separate place (item 11) for requesting immediate orders without notice.</p> <p>CH-100 Petition Item 6b: Given the urgency of obtaining protective orders, it is not desirable to make petitioners think they must have a copy in order to complete the CH-100 petition.</p> <p>CH-100 Petition Item 7b: The committee agreed. This change has been made.</p> <p>EA-100 Petition Item 4: The committee disagreed. The language is used in a consistent manner. Pronouns are used when the reference is to the person bringing the proceeding, whether that person is the elder or dependent adult victim or someone acting on behalf of the victim. Item 4 applies to the filer, so “Your Lawyer” is appropriate. When the reference is to the victim, pronouns are not used.</p>

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			<p>EA-100 Petition Item 5: There is a concern about listing confidential medical information regarding the elder. There seems no value in adding this information to the public record.</p> <p>EA-100 Petition Item 18: No fee to serve: This is poorly written. Change to match the language in CH-100, item 13.</p> <p>SV-100 Petition Item 8b: Recommend moving campus address to page one, item 1.</p>	<p>EA-100 Petition Item 5: Information about the disability is needed to determine if the petition is proper. To clarify that no extensive medical documentation is required, the instructions have been changed to state “<i>Briefly</i> describe limitations....”</p> <p>EA-100 Petition Item 18: The committee disagreed with this comment. The reason for the difference in the free service provisions on the CH and EA forms is that there is a substantive difference between the CH free service statute (Code Civ. Proc., §527.6 (x)(i) (there is no fee for service of orders if either of two specified conditions exists) and the EA statute (Welf. & Instit.Code, §15657.07(r) (‘a petitioner shall not be required to pay a fee for law enforcement to serve an order issued under this section’)). Because the petitioner is always entitled to free service in an EA proceeding, EA-100, item 18 appropriately directs the petitioner to ask the clerk what needs to be done to obtain the free service from the sheriff or marshal. By contrast CH-100, item 13 is designed so that the petitioner can identify why he or she is entitled to free service, if in fact that is the case.</p> <p>SV-100 Petition Item 8b: There is insufficient space on page 1 to move the campus address there.</p>

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			<p>SV-100 Petition Item 8c: The date of incident needs to be a separate item as in CH-100.</p> <p>SV-100 Petition Item 15: No Fee to Serve: Use the language in CH-100, item 13.</p> <p>WV-100 Petition Item 1: Add employer address</p> <p>WV-100 Petition Item 15: No Fee for Filing: Change 14 to match the language in CH-100, item 13.</p> <p>Petitioner Info (CH and EA 100-INFO) Initial box: Delete the words "problems and."</p> <p>Petitioner Info (CH and EA 100-INFO) How will the order help me?: Delete reference to DV. Change to "You should proceed by filing the appropriate court form."</p>	<p>SV-100 Petition Item 8c: Although not a separate item on SV-100, the date of the incident is requested on both forms, which is sufficient.</p> <p>EA-100 Petition Item 18: The committee disagreed. The fee service items on each form are consistent with the applicable statutes and the use of the forms.</p> <p>WV-100 Petition Item 1: The form currently has a place for the employer's address, unless the employer is represented—in which case the attorney's address is to be provided. There is no room for an additional address for the employer.</p> <p>WV-100 Petition Item 15: The committee disagreed. The fee service items on each form are consistent with the applicable statutes and the use of the forms.</p> <p>Petitioner Info (CH and EA 100-INFO) The committee agreed with this suggestion. This change has been made.</p> <p>Petitioner Info (CH and EA 100-INFO) How will the order help me?: The committee disagreed. It is helpful to direct the user to the appropriate proceeding.</p>

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			<p>GLOBAL for INFO forms Where can I get these forms?: Delete reference to the court clerk's office or county law library, etc. Just direct people to the website.</p> <p>GLOBAL for INFO forms How much does it cost?: Change the question: Will I have to pay a filing fee?</p> <p>GLOBAL for INFO forms How much does it cost?: There should be a link to the fee schedule.</p> <p>GLOBAL for INFO forms How much does it cost?: This section should be on the first page.</p> <p>GLOBAL for INFO forms How much does it cost?: Change: "you must pay" to "the cost must be paid."</p> <p>GLOBAL for INFO forms What if I move?: Change: "works" to "is enforceable."</p>	<p>GLOBAL for INFO forms Where can I get these forms?: The committee agreed partially. Forms CH-100-INFO and EA-100-INFO have been changed to state "You may get the forms from legal publishers or on the Internet at www.ca.gov. You may also be able to find them at your local courthouse or county law library."</p> <p>GLOBAL for INFO forms How much does it cost?: The committee disagreed. The "How much does it cost?" is clearer and the instructions on the forms sometimes discuss more than filing fees.</p> <p>GLOBAL for INFO forms How much does it cost?: The committee declined to add the link. It might be difficult to ensure that links such as this are up-to-date.</p> <p>GLOBAL for INFO forms How much does it cost?: The committee agreed. The change was made..</p> <p>GLOBAL for INFO forms How much does it cost?: The committee disagreed. The passive voice is usually to be avoided.</p> <p>GLOBAL for INFO forms What if I move?: This section was deleted because it was not clear that it was legally accurate.</p>

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	Commentator	Position	Comment	Committee Response
			<p>EA-100 INFO The form talks to the elder or disabled person and should talk to the petitioner.</p> <p>EA-100 INFO Add language regarding: Who can apply?</p> <p>EA-100 INFO How will the order help me?: Add: Protect me from financial abuse</p> <p>EA-100 INFO What do I need to do to get the order?: Not all self-help centers offer assistance in EA. Delete or need to be vague.</p>	<p>EA-100 INFO The committee disagreed with this suggestion. The petitioner may be the elder or disabled who is seeking protection. It is for such a person, who is representing himself or herself, that the form is principally designed. It would make the form needlessly complex and confusing to try to also account for a petitioner who is bringing the petition on behalf of another person.</p> <p>EA-100 INFO The committee agreed with this suggestion. This information was added.</p> <p>EA-100 INFO How will the order help me?: The committee declined to add “protect me from financial abuse” under this heading. Financial abuse is mentioned in the immediately-preceding section. This section begins “The court can order a person to:” Then it gives the kinds of specific orders that can be issued. “Protect me from financial abuse” does not fit into the list.</p> <p>EA-100 INFO What do I need to do to get the order?: The committee agreed to clarify the statement. It has been changed to include “may be able to...”</p>

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			<p>SV-100 INFO The form is directed towards the student. However, these documents are not filed by them. They are filed by the school. The language needs to be directed to the school administrator, etc.</p> <p>SV-100 INFO Step 6: Process for getting TRO signed: Delete: There's no need to note this process as it varies by court.</p> <p>SV-100 INFO Step 12: Delete the first sentence, which says to ask the clerk to provide a file-stamped copy of the TRO.</p> <p>WV-100 INFO The form is directed towards the employee. However, the documents are not filed by them. They are filed by the employer. The language needs to be directed to the employer.</p>	<p>SV-100 INFO The committee disagreed with this comment. As indicated clearly beginning on the first page, the entire instruction form is directed at the school administrator—not the student. There are just a few pronouns (“I,” and “you”) that someone might construe as referring to the student. But in context, they too apply to the school administrator who files the petition.</p> <p>SV-100 INFO Step 6: Process for getting TRO signed: The committee disagreed with this comment. The text indicates that the process may vary depending on the court.</p> <p>SV-100 INFO Step 12: The committee thought that this sentence, which provides useful information for litigants, should be retained.</p> <p>WV-100 INFO The committee disagreed with this comment. As indicated clearly beginning on the first page, the entire instruction form is directed at the employer—not the employee. There are just a few pronouns (“I,” and “you”) that someone might construe as referring to the employee. But in context, they too apply to the employer who files the petition.</p>

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			<p>WV-100-INFO What is a “Workplace Violence Protective Order”? Remove quotation marks.</p> <p>CLETS (102) Should be just a single form. There are too many forms in this process.</p> <p>CLETS (102) No need for place to identify the relationship of the other protected persons to the party protected. It's duplicative and serves no added value.</p> <p>CLETS (102) Case number box: Delete phrase: (if you know it)</p> <p>Notice of Hearing (109’s) Service of TRO: Remove check box, it's unnecessary.</p> <p>Notice of Hearing (109’s) “To respondent” black box before information preceding signature: The information for an individual should be all located together.</p>	<p>WV-100-INFO What is a “Workplace Violence Protective Order”? The committee agreed with this suggestion and has removed the quotation marks.</p> <p>CLETS (102) (redesignated CLETS-001) The committee agreed. See report for discussion of this issue.</p> <p>CLETS (102) (redesignated CLETS-001) The committee disagreed with this comment. Users of the CLETS Information form indicated that it is useful to have information about the relationship on the form.</p> <p>CLETS (102) (redesignated CLETS-001) The committee disagreed. Because the CLETS form is filled out with the petition, the petitioner may not know the case number.</p> <p>Notice of Hearing (109’s) Service of TRO: The committee disagreed with this suggestion. There might not be a TRO.</p> <p>Notice of Hearing (109’s) The committee agreed with this comment. The form has been reorganized to locate all the information together, as suggested.</p>

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			<p>SV-109 Notice of Court Hearing “To the Respondent” box: This is going to be missed. These little black boxes look like borders.</p> <p>SV-109 Notice of Court Hearing Item 5b(1) (circulated as 4b(1)): denial of TRO: This is terrible. It's too long and wordy. This should be removed.</p> <p>SV-109 Notice of Court Hearing Remove 5b(2) (circulated as 4b(2)) and the associated check boxes. Leave the lines.</p>	<p>SV-109 Notice of Court Hearing The committee disagreed with this comment. The black boxed headings identify to whom the subsequent remarks are directed: petitioner or respondent. With the reorganization of the 109 form locating all information for the petitioner and respondent together—under their respective headings—this form will be easier to understand.</p> <p>SV-109 Notice of Court Hearing Item 5b (circulated as 4b(1)): Though the language based directly on the statutory language is less than ideal, it gives the petitioner an explanation for the denial of his or her request for a temporary restraining order. If the item 5a(1) box is checked, the petitioner will be provided with a description of the facts that he or she failed to show that were needed to obtain a temporary restraining order. This is a common ground for the denial of orders and should be included as an option.</p> <p>SV-109 Notice of Court Hearing The committee disagreed. Both item 5b(1) and the open-ended option should be available. The check boxes allow for overflow (longer) explanations if the judge want to provide those.</p>

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	Commentator	Position	Comment	Committee Response
			<p>TRO (110's): Item 3, Overflow instruction: This should not be in italics.</p> <p>TRO (110's): “The court will complete the rest of this form.” This should be consistent in other forms. Need to check the other forms.</p> <p>TRO (110's): Expiration Date: End sentence after the word “hearing.” Remove the box with the date and time, as it could be problematic if the date is continued.</p> <p>TRO (110's): Stay-Away: Change to mirror DV-110, item 7.</p> <p>TRO (110's): Stay Away: Remove check box for other protected persons.</p> <p>TRO (110's): Notice regarding nonappearance: These have an impact on court resources. Including mailing,</p>	<p>TRO (110's): Item 3: The committee disagreed. Instructions on Judicial Council forms are generally in italics (to distinguish them from substantive text) and all overflow instructions follow this style.</p> <p>TRO (110's): The CH and EA 110 forms have this sentence. The SV and WV 110 forms do not because these forms are much more likely to be completed by attorneys.</p> <p>TRO (110's): Expiration Date: The committee disagreed. Law enforcement will want a date and time, rather than having to wonder whether the hearing has happened or not. If the hearing is continued, there should be a form 116 with a new expiration date.</p> <p>TRO (110's): Stay-Away: The committee agreed. The TRO forms have been revised to include stay away order similar to those on the DV forms.</p> <p>TRO (110's): Stay Away: The committee disagreed. Judicial officers thought including this check box would make their rulings clearer.</p> <p>TRO (110's): Notice regarding nonappearance: The notices regarding nonappearance are required by statute.</p>

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	Commentator	Position	Comment	Committee Response
			postage, envelopes and handling return mail.	(See e.g., Code Civ. Proc., § 527.6(p)(3).)
			<p>TRO (110's): Extensive notices to law enforcement: These have an impact on court resources. Including mailing, postage, envelopes and handling return mail.</p> <p>TRO (110's): Firearms restrictions: Not necessary to state twice. Duplicative information just increases the length of the form and adds to the uncertainty that the parties will even read it.</p> <p>TRO (110's): Instructions to Law Enforcement: start and end dates: This needs to be rewritten, as we deleted the date from the CH-110.</p> <p>EA-110 TRO Item 7: Move-Out: Delete phrase: "and not return to."</p>	<p>TRO (110's): Extensive notices to law enforcement: Any impact on court resources from adding the notices should not be significant because the omission of the information for law enforcement could at best shorten the form by one page and then only if some other information was also omitted. Also, it is unclear how extensive the costs of mailing might be because TROs are more commonly served in person than mailed.</p> <p>TRO (110's): Firearms restrictions: The committee thought that, given the importance of the subject, the additional warnings and notices to the restrained person about firearms and ammunition were desirable.</p> <p>TRO (110's): Instructions to Law Enforcement: start and end dates: Because the expiration date will not be deleted from the CH-100 form, this instruction does not need to be rewritten.</p> <p>EA-110 TRO Item 7: Move-Out: The committee disagreed with the suggestion to delete this phrase. It is important to clarify that the person may not return in the order because this is the TRO.</p>

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			<p>EA-110 TRO After You Have Been Served With a Restraining Order; last bullet: Change word "can" to "may."</p> <p>Continuance and Reissuance (115 and 116): Combine the two forms and Change title to: Request and Order to Continue Court Hearing or Reissue Temporary Restraining Order</p> <p>Continuance and Reissuance (115): The memo narrative (pg 12) states that 115 can be used by both petitioner and respondent. However, this form is designed for use by protected person only.</p> <p>Continuance and Reissuance (115 and 116): Current Hearing: delete "Current"</p> <p>Continuance and Reissuance (116): Black box before Item 7: Delete: "Warning and" (leaving just "Notice to").</p>	<p>EA-110 TRO The committee disagreed. "Can" is clear.</p> <p>Continuance and Reissuance (115 and 116): The committee disagreed. See report for detailed discussion of the reasons for two separate forms.</p> <p>Continuance and Reissuance (115): The commentator misread the invitation to comment. The invitation to comment said that the form will be "helpful to both litigants and the courts." "Both" does not refer to both sides of the proceeding. The form is designed to be used by petitioners.</p> <p>Continuance and Reissuance (115 and 116): A reference to the current hearing date was retained; however, for clarity, this item has been moved to under the following heading and now states "A hearing in this case is currently set for ..."</p> <p>Continuance and Reissuance (116): Black box before Item 7: The committee disagreed and retained the current version of the box.</p>

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	Commentator	Position	Comment	Committee Response
			<p>Response (120's) Hearing date box: There is a requirement that documents be filed 2 days before the hearing. Delete reference to presenting response at hearing.</p> <p>Order After Hearing (130's) Item 4: Change default expiration date from three years to five years.</p> <p>Proof of Service INFO (200-INFO) What do I do with the completed Proof of Service?: Delete bullet three; the public does not need to tell the court to enter data in CLETS.</p>	<p>Response (120's) Hearing date box: The two-day advance service requirement for responses will be changed under a separate rule proposal to amend rule 3.1152(d), effective January 1, 2012. This change will result in the times and procedures for service of all responses to petitions for protective orders under the rule being the same as those for serving responses in domestic violence prevention proceedings under the Family Code. Thus, all the forms should have the same instructions regarding service of responses effective January 1, 2012.</p> <p>Order After Hearing (130's) Item 4: The committee disagreed; only EA orders will have a default duration of five years, as the EA forms indicate. For the other protective order proceedings considered in this report, the period is three years.</p> <p>Proof of Service INFO (200-INFO) What do I do with the completed Proof of Service?: The committee disagreed with this comment. Under the law, after January 1, 2012, there will still be courts where the party or the party's attorney has to deal with entry of proofs of service into CLETS. (See e.g., Code Civ. Proc., § 527.6(q)(2).)</p>

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			<p>Proof of Service INFO (200-INFO) What happens if I can't get the order served before the hearing?: Remove the last two sentences. The public does not need to advise the court about internal processes.</p> <p>Response to Request for Renewal (720) Item 2: "Your lawyer": This is out of place, should follow name of "Person to be Protected"</p>	<p>Proof of Service INFO (200-INFO) The committee disagreed with this comment. Under the law, after January 1, 2012, there will still be courts where the party or the party's attorney has to deal with entry of orders into CLETS. (See e.g., Code Civ. Proc., § 527.6(q)(2).)</p> <p>Response to Request for Renewal (720) The committee disagreed. The place in the caption of the 720 forms for identifying the lawyer is correct because this is the respondent's form.</p>
11.	Superior Court of San Diego County By Mike Roddy, Executive Officer	AM	<p>Address Blocks The way the address boxes have combined the petitioner's and attorney's information is very confusing on the revised forms. Our court believes that all forms should use the exact same address blocks as listed on the current DV forms. The DV version is very clear and does not take up any additional space.</p>	<p>Address Blocks The committee disagreed. As discussed more in the report, single address approach is simpler, more efficient, and similar to the approach in the captions of standard Judicial Council forms that have been used effectively for many decades. The committee, however, thought that the captions could be improved by placing an "a" before the part of the caption with the name of the party and the party's attorney and a "b" before the part with the address. The revision of the captions into subparts "a" for parties and attorneys and "b" for addresses has been used on all applicable forms.</p>

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			<p>Attachments All protective orders should be the same. Our court suggests that all of the checkboxes for attachments read: Check here if there is not enough space. Attach your complete answer on a separate sheet of paper or Form MC-025 and write "Attachment xx- xx for a title."</p> <p>CLETS form There should be a separate CLETS Information form for each type of protective order. Although the information is all the same, it would be harder for the public to locate an additional forms type (Ex. CLETS-001) when looking for forms they need on the judicial council website.</p> <p>CLETS form "Case Number" is preferred.</p> <p>CLETS form Use current approach of requiring just a mailing address on the forms— not residential address.</p> <p>CLETS form Yes, all CLETS forms should include the relationship of the primary victim to the other protected persons.</p>	<p>Attachments The currently proposed language for overflow instructions varies only in minor ways from the commentator’s proposal. The differences are not significant enough to warrant changing the instructions on all the forms.</p> <p>CLETS form After considering all the comments on this issue, the committee recommends the adoption of a single CLETS-001 form. See report for detailed discussion. To assist the public in easily locating the form, the new CLETS-001 form will be placed in each of the separate protective order series on the Judicial Council website.</p> <p>CLETS form The committee agreed and has used “Case Number” in the box on the form.</p> <p>CLETS form The committee agreed.</p> <p>CLETS form The committee agreed and relationship has been included in item 4.</p>

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			<p>Orders The multiple check box options are preferred on ALL order forms, including the ROAR. This makes certain that the order is very clear, especially in those courts using CCMS or a case management system that generates orders.</p> <p>Personal Conduct Orders Under b, clarify that it is permissible to serve a response by mail.</p> <p>Instructions to Law Enforcement Include instructions to law enforcement on all forms.</p> <p>General Comments: We would like to see a form created for vacating or dismissing a TRO/RO. There seem to be forms for all other requests (reissuance, renewal, etc.), and having a form for requesting to vacate or dismiss would be very helpful. Please refer to our local form SDSC D-OO 1.</p> <p>Petition (100's) The relationship of the parties should be placed more prominently on page 1 after the petitioner and Person You Want Protection from. Reason: Often parties in DV, EA and CH are confused as to which forms they need to file, especially with complicated scenarios with stepparents, distant relatives who cohabit, etc.</p>	<p>Orders The committee agreed that the explanatory boxes should be included in the temporary restraining orders but not on the orders after hearing. See report for more detailed discussion.</p> <p>Personal Conduct Orders The committee agreed. “However, you may have your papers served by mail on the person in (1)” has been added.</p> <p>Instructions to Law Enforcement The committee agreed with this comment.</p> <p>General Comments: The committee will consider this suggestion in the future.</p> <p>Petition (100's) Unfortunately, there is limited space on the first page, and the other items on that page have higher priority. So the item has been placed on the second page.</p>

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	Commentator	Position	Comment	Committee Response
			<p>Petition (100's) Venue should also be placed on the first page. Additional Protected Parties should be moved to page two, above Other Court Cases.</p> <p>EA-100 Petition The description of protected person, currently item 5 on p. 2, should be moved to page 1 under item 1. Information is already sought on age and sex, so to add this demographic info under 1 makes the information more integrated.</p> <p>Notice of Court Hearing (109's) The layout of the form is disjointed in that information directed to the Person in 1 and the Person in 2 keep alternating between the pages. It would be easier to follow the information in the following format: Place item 5 on Service of Documents and Time for Service on the first page. The second page will be dedicated to the restrained party; in other words, item 3 and the information at the top of the 3rd page would all be organized on page 2. Page three would contain the temporary restraining orders with the JO signature line directly below, with the request for accommodations and clerk's certificate for mailing remaining as is.</p>	<p>Petition (100's) The committee disagreed. At the beginning of the form, information about the other persons to be protected is more important than venue and should be on the first page.</p> <p>EA-100 Petition The committee disagreed. It is not possible to get everything on to the first page. The main party/caption information is properly located on page under the present layout. It is acceptable for item 5, which is essentially the statutory grounds for EA jurisdiction, to go separately on the second page.</p> <p>Notice of Court Hearing (109's) The committee agreed that the version of the 109 form that was circulated was not as clear and well organized as possible. The 109 form has been revised so that (1) all the court's orders are together after the notice of hearing and above the judicial officer's signature, and (2) afterward, all the information directed to the petitioner is together in one place and all the information directed to the respondent is together in another.</p>

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			<p>EA-110 and 130 (TRO and OAH) Move-Out: Our sheriff requests that when a move out order is granted, we complete an additional order that instructs them to remove the restrained person immediately and wait for them to take their belongings. Can this information be added to the move out orders the petitioner is seeking for Elder Abuse and Domestic Violence? Please refer to our local form SDSC D-072.</p> <p>100 Petition (100's) Delete instruction to fill out CLETS form. 100-INFO says this and no need to single out CLETS.</p> <p>Petition, TRO, and OAH Stay-Away: add (#) level numbers.</p> <p>Petition, TRO, and OAH Stay-Away: Add “in (3)” to other protected persons.</p> <p>Petition, TRO, and OAH Stay-Away: Make items go across in one sentence with “and” between them and with two boxes for each.</p>	<p>EA-110 and 130 (TRO and OAH) Move-Out: The committee declined to add this additional order directed to the sheriff to the proposed move-out orders directed to the parties. Such an order directed to the sheriff is appropriately addressed in a separate order, as San Diego currently does.</p> <p>100 Petition (100's) The committee disagreed with this suggestion. People do not always read the INFO forms. It is important to get petitioners to complete the <i>Confidential CLETS Information</i> form and the instruction on the petitions encourages them to do this at the time they are preparing their papers to be submitted to the court.</p> <p>Petition, TRO, and OAH The committee agreed with this suggestion. The (#)'s have been added.</p> <p>Petition, TRO, and OAH Stay-Away: The revised 100s, 110s and 130s include references to the persons “ in (3).”</p> <p>Petition, TRO, and OAH Stay-Away: The committee did not follow this suggestion. Instead, the stay- away orders on all the forms have been revised to be consistent using the format currently used on the DV forms. See</p>

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	Commentator	Position	Comment	Committee Response
				report for discussion.
			<p>100-INFO (CH and EA) What Forms do I need?: may look better as a bullet list.</p> <p>100-INFO (CH and EA) How will the order help me?: The sentence about other protected persons is unclear; makes it sound like family members must live with you. Switch order and put cohabitants first.</p> <p>CH-109 People are not used to vertical format of Date, Dept, Time, and Room appearing in one column. Go with SV and WV, which have them side by side.</p> <p>Notice of Hearing (109's) Include the two firearms forms as documents to be served. The 800 is included on the Proof of Service.</p> <p>All Continuance/Reissuance Orders (116's) Move "court will fill out section below" from before the Hearing box to before the expiration date.</p>	<p>100-INFO (CH and EA) What Forms do I need?: The committee declined to change the response to this question to a bullet list because it included helpful instructions as well as a list of forms.</p> <p>100-INFO (CH and EA) How will the order help me?: The committee agreed and revised the sentence to "people who live with you and family members."</p> <p>CH-109 The committee agreed with this comment. This change has been made.</p> <p>Notice of Hearing (109's) The committee did not agree and has not included the additional firearms forms among the documents to be served. The form includes a place for "other" forms required to be served.</p> <p>All Continuance/Reissuance Orders (116's) The form has been reorganized. The instruction is located in the appropriate place on the reorganized versions of the form.</p>

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			<p>Proof of Personal Service (200’s) Move the 100 form to first position; include 115, 116, 700, 710, 730, and maybe 800-INFO</p> <p>What is “Proof of Personal Service?” (200-INFO’s) “Make at least five copies.” Why five? Should just say copies.</p> <p>Proof of Service of Response by Mail (250’s) Include 720 as form served.</p> <p>Request to Renew (700’s) Add specific options, numbered with check boxes, for: subsequent acts of abuse; fear; other.</p> <p>Response to Request to Renew (720’s) Add “in (1)” to reference to protected person in second introductory bullet point.</p>	<p>Proof of Personal Service (200’s) The committee disagreed about the reordering of the list of documents served. The Notice of Hearing and TRO are the primary documents being served. The petition is secondary to those. “Other” allows for reissuance and renewal. Adding more forms would push the form to a second page.</p> <p>What is “Proof of Personal Service?” (200-INFO’s) The committee agreed to change the form to state “make several copies.”</p> <p>Proof of Service of Response by Mail (250’s) The committee did not agree to add this form to the list. It can be included in “Other.”</p> <p>Request to Renew (700’s) The committee disagreed. This should be a simple one-page form. If a petitioner needs more space, an attachment can be used.</p> <p>Response to Request to Renew (720’s) The committee disagreed. The reference to “protected person” is clearer. A person who is reading the bullet points at the top of the form has not yet reached the definitions of the (1) “protected person” and (2) “restrained person.”</p>

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			<p>Order on Renewal (730’s) Item 3b: Delete reference to MC-025, which court is unlikely to use in an order.</p> <p>Firearms Relinquishment (800’s) Items 6e and 7c overflow instructions: add MC-025.</p> <p>EA-100 Petition Item 9b: existing orders. No is first; on other 100’s, Yes is first. He likes No first better.</p> <p>EA-100 Petition Item 10b(7): Add “I don’t know” option for “Did police come?”</p> <p>Global Comment Whenever an item starts on one page and continues on the next, add “continued” at top of second page.</p> <p>EA-116 (and other 116’s?) Item 4b(3): change “on the attached page” to “on Attachment 4b</p> <p>EA-130 OAH Item 3: Change family, household, conservator to a series of 3 with commas instead of a or b or c.</p>	<p>Order on Renewal (730’s) The change has been made.</p> <p>Firearms Relinquishment (800’s) The change has been made to CH and EA.</p> <p>EA-100 Petition “No” has been placed first.</p> <p>EA-100 Petition This option is not needed. The petitioner will know whether the police came if the incident forms the basis for a restraining order.</p> <p>Global Comment This increases the length of the form and is not necessary.</p> <p>EA-116 (and other 116’s?) This change has been made.</p> <p>EA-130 OAH Item 3: The present version with the “or’ s” instead of commas clarifies that the another protected person might be any of these.</p>

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			<p>EA-130 OAH Item 5b(5) and (6): Say “the restrained person in (2)” instead of just “person in (2).”</p> <p>EA-730 (and other 730’s?) Item 2: Address line needs to be longer.</p> <p>Order of Renewal (730’s) Item 3: put boxes before am and pm, not after.</p> <p>CLETS (102’s) Prefers “Driver License.”</p>	<p>EA-130 OAH This change is unnecessary. Based on the definition of the person in (2), it is redundant to describe the person as both “restrained” and “in (2).”</p> <p>EA-730 (and other 730’s?) Item 2: This is not necessary and would push the form to a second page.</p> <p>Order of Renewal (730’s) This change has been made.</p> <p>CLETS (102’s)(redesignated as CLETS-001) The current terminology “driver’s license,” which is more plain language, has been retained on the form.</p>
12.	John Zeis Asst. Court Executive Officer Superior Court of Shasta County	AM	<p>Global Comment There should be a description of the “restrained person” on 100, 115, 700, and 730. The description is on the CLETS Information form, but that information is destroyed after it is scanned to law enforcement. It may be difficult to identify the “restrained person” appearing in court.</p>	<p>Global Comment The committee disagreed. The description of the restrained persons will be on the orders issued by the court. The description only needs to be included on the orders, not on other documents filed with the court such as the 100s, 115s, and 700s. The description also does not need to be on the one-page 730 form because the original Restraining Order After Hearing that includes a description will be attached to any 730 form that is issued.</p>

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			<p>Global Comment There are a lot of attachments on the request forms. Are the clerks going to have to check each attachment and make sure they are titled correctly?</p> <p>Global Comment Some forms have the italicized information in parentheses beginning with capitals, some begin with lower case. Please see sample below: Begins with capital: CH-100 item 4 (<i>Explain below</i>); EA-100 item 3 (<i>Check a, b, or c</i>); Begins with lower case :CH-100 (<i>Request for Orders to Stop Harassment</i>), page, 2, item 7 (1) (<i>provide date or estimated date</i>), EA-100 item 4 (<i>if you have one</i>): All forms should be reviewed for consistency.</p> <p>EA-100 Petition Item 10b(2): the line should start after the sentence “Who else was there?”, not under the sentence.</p> <p>Global Comment Respondent is referenced differently on forms; there should be consistency. Forms EA-116, EA-120, EA-200, and EA-250 refer to the respondent as ‘Person From Whom Protection Is Sought’. I think that will be confusing for the public and should all read ‘Person You Want Protection From’, which is on form EA-100.</p>	<p>Global Comment The revised forms require no change to current practices.</p> <p>Global Comment Staff and copyediting will try to adopt consistent standards going forward.</p> <p>EA-100 Petition Item 10b(2): The lines of text have been revised.</p> <p>Global Comment There is consistency in referencing respondents within forms groups, though different groups require different terminology. In the initially filed CH and EA forms, “Person from Whom Protection is Sought:” is used. In the forms used after an order is granted, the forms use “Restrained Person.” The SV and WV use “Respondent” throughout. All forms have been revised to these standards.</p>

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	Commentator	Position	Comment	Committee Response
			<p>Global Comment Petitioner is referenced differently on forms; there should be consistency. Forms EA-100, EA-109, and EA-115, refers to petitioner as ‘Elder or Dependent Adult in Need of Protection’. Form EA-120, EA-250 refers to petitioner as ‘Elder or Dependent Adult Seeking Protection’. Form EA-200 refers to petitioner as ‘Person Seeking Protection’</p> <p>EA-120 – Response Move-Out: order’ should be ‘orders’ which is consistent with the rest of the document.</p> <p>700, 710, and 730 – Renewal Respondent’s sex should be added.</p> <p>730 Order of Renewal Item 4, will the clerk have to make sure the Restraining Order After Hearing is attached?</p> <p>116 Continuance and Reissuance Depending on what occurred, the Temporary Restraining Order may or may not be attached. It appears that the processing clerks will need to review the document to see if we will need to attach the Temporary Restraining Order.</p>	<p>Global Comment There is consistency in referencing petitioners within forms groups, though different groups require different terminology. In the initially filed CH and EA forms, “Person Seeking Protection” is used. In the forms used after an order is granted, the forms use “Protected Person.” The SV and WV use “Petitioner” throughout. All forms have been revised to these standards.</p> <p>EA-120 – Response The committee disagreed. Move-out is a single order, while the others may have multiple components.</p> <p>700, 710, and 730 – Renewal The committee disagreed. Gender is included only on the order forms where a complete description is required.</p> <p>730 Order of Renewal No change to current practices will be required.</p> <p>116 Continuance and Reissuance No changes to current procedures would be required.</p>