



JUDICIAL COUNCIL OF CALIFORNIA

RULES COMMITTEE

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RULES COMMITTEE

MINUTES OF ACTION BY EMAIL

Friday, April 8, 2022

Advisory Body Members Who Participated:	Hon. Carin T. Fujisaki, Chair, Hon. Dalila Corral Lyons, Vice-Chair, Hon. Kevin C. Brazile, Hon. Rupert A. Byrdsong, Ms. Rachel W. Hill, Mr. Shawn C. Landry, and Hon. Glenn Mondo.
Advisory Body Members Who Did Not Participate:	Mr. Maxwell V. Pritt
Committee Staff:	Ms. Anne M. Ronan and Ms. Benita Downs

ACTION BY EMAIL

As provided in the California Rules of Court, rule 10.75 (o)(1)(B), the chair concluded that prompt action was needed. This action by e-mail concerned a matter that would otherwise be discussed in an open meeting; therefore, in accordance with rule 10.75(o)(2), public notice and the proposal were posted on Wednesday, April 6, 2022, to allow at least one complete business day for public comment before the committee took action. No public comments were received.

OPEN ACTION AND DISCUSSION ITEM

Unlawful Detainer: Form Revisions to Implement Assembly Bill 2179

The committee reviewed recommendations by the Civil and Small Claims Advisory Committee for revisions to three Judicial Council unlawful detainer forms to implement Assembly Bill 2179 (Stats. 2022, ch. 13), which was enacted on March 31, 2022, to take effect as soon as possible. The new law amends statutory provisions governing unlawful detainer procedures and thus necessitates revision of certain unlawful detainer forms. Action must be taken between the Judicial Council's regularly scheduled meetings to ensure that council forms contain accurate statements of law as soon as possible.

Action: The committee approved the recommendation of the Civil and Small Claims Advisory Committee, which is to go to the Judicial Council via circulating order.

CLOSURE OF ACTION

The action by e-mail concluded on Friday, April 8, at 5:00 p.m.

Approved by the Committee on Friday, April 8, 2022.



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RULES COMMITTEE

MINUTES OF ACTION BY EMAIL

Monday, April 25, 2022

**Advisory Body
Members Who
Participated:**

Hon. Carin T. Fujisaki, Chair, Hon. Kevin C. Brazile, Hon. Rupert A. Byrdsong, Ms. Rachel W. Hill, Mr. Shawn C. Landry, Hon. Glenn Mondo, and Mr. Maxwell V. Pritt

**Advisory Body
Members Who Did
Not Participate:**

Hon. Dalila Corral Lyons, Vice-Chair

Committee Staff:

Ms. Anne M. Ronan and Ms. Benita Downs

ACTION BY EMAIL

As provided in the California Rules of Court, rule 10.75 (o)(1)(B), the chair concluded that prompt action was needed. This action by e-mail concerned a matter that would otherwise be discussed in an open meeting; therefore, in accordance with rule 10.75(o)(2), public notice and the proposal were posted on Thursday, April 21, 2022, to allow at least one complete business day for public comment before the committee took action. No public comments were received.

OPEN ACTION AND DISCUSSION ITEM

Traffic: Remote Video Proceedings

The committee reviewed a recommendation by the Traffic Advisory Committee to repeal California Rules of Court, rule 4.220, and revoke the forms based on that rule, effective immediately. Penal Code section 1428.5, which as urgency legislation became effective on signing on July 16, 2021, authorizes remote proceedings for all infraction cases and authorizes the council to adopt rules regarding such proceedings. Rule 4.220, adopted *before* the new Penal Code section, is more restrictive than permitted under the new statute and is inconsistent with how courts have conducted remote proceedings for infractions under emergency rules 3 and 5. Because the council intends that those rules will sunset on June 30, 2022, if current rule 4.220 is not repealed before that date, it may restrict remote proceedings of infractions by requiring witnesses to testify at a designated public location only, with the result that access to justice will be severely limited. Because Judicial Council forms TR-500-INFO, TR-505, and TR-510 are based on rule 4.220, the advisory committee recommends revoking them as well.

Action: The committee approved the Traffic Advisory Committee's recommendation, which is to go to Judicial Council for action at the May council meeting.

CLOSURE OF ACTION

The action by e-mail concluded on Tuesday, April 26, at 5:00 p.m.

Approved by the Committee on Tuesday, April 26, 2022.



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RULES COMMITTEE

MINUTES OF ACTION BY EMAIL

Monday, June 6, 2022

Advisory Body Members Who Participated:	Hon. Carin T. Fujisaki, Chair, Hon. Dalila Corral Lyons, Vice-Chair, Hon. Kevin C. Brazile, Hon. Rupert A. Byrdsong, Ms. Rachel W. Hill, Mr. Shawn C. Landry, and Hon. Glenn Mondo.
Advisory Body Members Who Did Not Participate:	None
Committee Staff:	Ms. Anne M. Ronan and Ms. Benita Downs

ACTION BY EMAIL

As provided in the California Rules of Court, rule 10.75 (o)(1)(B), the chair concluded that prompt action was needed. This action by e-mail concerned a matter that would otherwise be discussed in an open meeting; therefore, in accordance with rule 10.75(o)(2), public notice and the proposal were posted on Friday, June 3, 2022, to allow at least one complete business day for public comment before the committee took action. No public comments were received.

OPEN ACTION AND DISCUSSION ITEM

Rules and Forms: Form Revision to Reflect Annual Cost of Living Adjustment

The committee reviewed a recommendation by Judicial Council staff to revise the form that contains the list of dollar amounts of exemptions from judgment. The Code of Civil Procedure requires the Judicial Council to publish a list of the current dollar amounts of exemptions from judgment. As required by statute, the dollar amount of one exemption was adjusted effective July 1, 2022, which figure is not published until late May. Accordingly, the form needs to be revised as soon as possible after that date.

Action: The committee approved staff recommendation, which is to go to Judicial Council for action at the July council meeting.

CLOSURE OF ACTION

The action by e-mail concluded on Tuesday, June 7, at 5:00 p.m.

Approved by the Committee on Tuesday, June 7, 2022.



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RULES COMMITTEE

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RULES COMMITTEE

MINUTES OF ACTION BY EMAIL

Tuesday, July 5, 2022

Advisory Body Members Who Participated: Hon. Dalila Corral Lyons, Vice-Chair, Hon. Kevin C. Brazile, Hon. Rupert A. Byrdsong, Ms. Rachel W. Hill, Mr. Shawn C. Landry, and Hon. Glenn Mondo.

Advisory Body Members Who Did Not Participate: Hon. Carin T. Fujisaki, Chair

Committee Staff: Ms. Anne M. Ronan

ACTION BY EMAIL

As provided in the California Rules of Court, rule 10.75 (o)(1)(B), the chair concluded that prompt action was needed. This action by e-mail concerned a matter that would otherwise be discussed in an open meeting; therefore, in accordance with rule 10.75(o)(2), public notice and the proposal were posted on Thursday, June 30, 2022, to allow at least one complete business day for public comment before the committee took action. No public comments were received.

OPEN ACTION AND DISCUSSION ITEM

Rules and Forms: Form Revisions to Implement AB 199

The committee reviewed a recommendation by Civil and Small Claims Advisory Committee requesting minor revisions to two unlawful detainer forms due to certain provisions of the Code of Civil Procedure no longer applying to such actions as of July 1, 2022. The advisory committee did not recommend that the council act earlier because of concerns that the Legislature would extend the statutory provisions in the final days before they were set to expire, as it has done several times before.

Action: *The committee approved the Civil and Small Claims Advisory Committee's recommendation, which is to go to Judicial Council for action at the July council meeting.*

CLOSURE OF ACTION

The action by e-mail concluded on Wednesday, July 6, at 5:00 p.m.

Approved by the Committee on Wednesday, July 6, 2022.



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RULES COMMITTEE

MINUTES OF ACTION BY EMAIL

Monday, July 25, 2022

Advisory Body Members Who Participated:	Hon. Carin T. Fujisaki, Chair, Hon. Dalila Corral Lyons, Vice-Chair, Hon. Kevin C. Brazile, Hon. Rupert A. Byrdsong, Ms. Rachel W. Hill, Mr. Shawn C. Landry, and Hon. Glenn Mondo.
Advisory Body Members Who Did Not Participate:	None
Committee Staff:	Ms. Anne M. Ronan and Ms. Benita Downs

ACTION BY EMAIL

As provided in the California Rules of Court, rule 10.75 (o)(1)(B), the chair concluded that prompt action was needed. This action by e-mail concerned a matter that would otherwise be discussed in an open meeting; therefore, in accordance with rule 10.75(o)(2), public notice and the proposal were posted on Friday, July 22, 2022, to allow at least one complete business day for public comment before the committee took action. No public comments were received.

OPEN ACTION AND DISCUSSION ITEM

Rules and Forms: Form Revisions to Implement AB 199

The committee reviewed a recommendation by Judicial Council staff to implement changes in law made in Assembly Bill 199 (Stats. 2022, ch. 57), by revising four council fee waiver forms containing items reflecting the bases for fee waiver eligibility, and four council traffic forms referencing the maximum amount of civil assessments. Because AB 199 was enacted as urgency legislation, the amendments in the bill are effective immediately and so should proceed immediately. The revisions will ensure that litigants and courts are provided with accurate information in both areas.

Action: The committee approved staff recommendation, which is to go to the Judicial Council via circulating order.

CLOSURE OF ACTION

The action by e-mail concluded on Monday, July 25, at 5:00 p.m.

Approved by the Committee on Monday, July 25, 2022.



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RULES COMMITTEE

MINUTES OF OPEN MEETING

August 18, 2022

12:15 – 1:45 p.m.

Videoconference

Advisory Body Members Present: Hon. Carin T. Fujisaki, Hon. Dalila C. Lyons, Ms. Rachel W. Hill, Hon. Glenn Mondo, and Mr. Maxwell V. Pritt

Advisory Body Members Absent: Hon. Kevin C. Brazile, Hon. Rupert A. Byrdsong, and Mr. Shawn C. Landry

Committee Staff Ms. Anne M. Ronan and Ms. Benita Downs

Other Staff Present Ms. Sarah Abbott, Mr. James Barolo, Ms. Kerry Doyle, Ms. Audrey Fancy, Ms. Sarah Fleischer-Ihn, Mr. Michael Giden, Mr. Kendall Hannon, Mr. John Henzl, Ms. Bonnie Hough, Ms. Andrea Jaramillo, Ms. Tracy Kenny, Mr. Jason Mayo, Ms. Kara Portnow, Ms. Sarah Saria, Ms. Gabrielle Selden, Ms. Christy Simons, and Mr. Greg Tanaka.

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 12:12 p.m., and Ms. Downs took roll call.

DISCUSSION AND ACTION ITEMS (ITEMS 1–15)

Item 01

CEQA Actions: New Projects and Fees for Expedited Review

The Rules Committee (committee) reviewed a joint recommendation from the Appellate Advisory Committee and the Civil and Small Claims Advisory Committee to amend several California Rules of Court to implement new and reenacted legislation requiring inclusion of additional projects for streamlined review. The advisory committees also recommended rule amendments to implement statutory provisions requiring that, in cases under two of the statutes, the council, by rule of court, establish fees to be paid by those project applicants to the trial court and Court of Appeal for the costs of streamlined CEQA review.

Action: With one abstention (Mr. Pritt), the committee approved the Appellate Advisory Committee and Civil and Small Claims Advisory Committees' recommendation, which is to go to the Judicial Council for action at the September council meeting.

Item 02

Rules and Forms: Update Language Referring to Persons with Disabilities

The committee reviewed a recommendation from the Appellate Advisory Committee to update language in several rules and a form to reflect guidelines for referring to persons with disabilities, preferences within the disability community, and terminology changes in California statutes. The advisory committee also recommended correcting several subdivision headings in one of the rule's advisory committee comments.

Action: The Rules Committee unanimously approved the Appellate Advisory Committee's recommendation, which is to go to the Judicial Council for action at the September council meeting.

Item 03

Court Records: Retention of Reporters' Transcripts in Felony Appeals

The committee reviewed a recommendation from the Appellate Advisory Committee to amend the rule regarding retention of Court of Appeal records to align with recent statutory changes. The amendments would extend the time the Court of Appeal must keep the original or an electronic copy of the reporter's transcript from 20 years to 75 years in cases affirming a felony conviction. The amendments also reflect the statutory presumption that an original reporter's transcript is in electronic form, not paper form.

Action: The committee unanimously approved the Appellate Advisory Committee's recommendation, which is to go to the Judicial Council for action at the September council meeting.

Item 04

Jury Instructions: Revisions to Criminal Jury Instructions (CALCRIM)

The committee reviewed a recommendation from the Advisory Committee on Criminal Jury Instructions to approve for publication the revised criminal jury instructions prepared by the committee under rule 2.1050 of the California Rules of Court. The proposed changes will keep the instructions current with statutory and case authority. Once approved, the revised instructions will be published in the 2022 supplement of the *Judicial Council of California Criminal Jury Instructions (CALCRIM)*.

Action: The committee unanimously approved the California Advisory Committee on Criminal Jury Instructions recommendation, which will go to the Judicial Council for action at the September council meeting.

Item 05

Rules and Forms: Name and Gender Change Forms to Implement Assembly Bill 218

The committee reviewed a proposal from Civil and Small Claims Advisory committee, for an Invitation to Comment to circulate on a special cycle , recirculating proposed revisions and additions to Judicial Council name and gender change forms (NC) to implement Assembly Bill 218. The recirculation incorporates revisions based on further statutory amendments in Assembly Bill 421, which was enacted in June 2022.

Action: The committee unanimously approved the proposal for recirculation on a special shortened cycle through September 19.

Item 06

Civil Law: Revision of Unlawful Detainer Summons for use in Forcible Detainer cases

The committee reviewed a recommendation from the Civil and Small Claims Advisory Committee proposing that the Judicial Council revise form SUM-130, *Summons—Unlawful Detainer—Eviction*, to expand use of the mandatory form to expressly include forcible entry and forcible detainer proceedings. The revisions are intended to address confusion by courts and litigants as to whether form SUM-130 may be used in these types of proceedings.

Action: The committee unanimously approved the Civil and Small Claims Committee’s recommendation, which is to go the Judicial Council for action at the September council meeting.

Item 07

Criminal Procedure: Motion and Order to Vacate Conviction or Sentence

The committee reviewed a recommendation from the Criminal Law Advisory Committee to revise two optional Judicial Council forms in response to recent amendments to Penal Code section 1473.7(a)(1). Additionally, the revisions implement case law to (1) clarify the out-of-custody requirement; (2) include a request for appointment of counsel; and (3) add and clarify provisions around timeliness in filing the motion. The revisions also included nonsubstantive, technical amendments to simplify the language in the motion to aid self-represented petitioners and conform to the statutory language.

Action: The committee unanimously approved the Criminal Law Advisory Committee’s recommendation, which is to go to the Judicial Council for action at the September council meeting.

Item 08

Family Law: Child Custody and Visitation in Cases Involving Abuse by Parent and Child Testimony

The committee reviewed a recommendation from the Family and Juvenile Law Advisory Committee to amend four California Rules of Court and revise three forms to comply with Senate Bill 654 (Stats. 2021, ch. 768). The bill amended Family Code section 3011 by extending the requirement that a court state its reasons when granting sole or joint custody to someone despite allegations of abuse or substance abuse against that person to orders granting unsupervised visitation to someone against whom there are allegations of abuse or substance abuse. The bill also amended Family Code section 3042 regarding child testimony to prohibit allowing the child to testify in front of the parties unless specific findings are made, and to require that certain court professionals provide notice if a child changes their choice about addressing the court.

Action: The committee unanimously approved the Family and Juvenile Law Advisory Committee's recommendation, which is to go to the Judicial Council for action at the September council meeting.

Item 09

Rules and Forms: Parentage Actions Under Assembly Bill 429

The committee reviewed a recommendation from the Family and Juvenile Law Advisory Committee to adopt one new rule of court and a new confidential cover sheet, effective January 1, 2023, to comply with the mandate of Family Code section 7643.5, added by Assembly Bill 429 (Stats. 2021, ch. 52). The new form is to be used by the petitioner to identify that the action or proceeding initially filed with the court to determine a parental relationship involves assisted reproduction under Family Code section 7613 or 7630(f), or sections 7960–7962, and to include information about the limitations on access to documents in such actions.

Action: The committee unanimously approved the Family and Juvenile Law Advisory Committee's recommendation, which is to go the Judicial Council for action at the September council meeting.

Item 10

Civil Law and Family Law: Request to Enter Default Forms Under the Servicemembers Civil Relief Act

The committee reviewed a joint recommendation from the Civil and Small Claims Advisory Committee and the Family and Juvenile Law Advisory Committee proposing that the Judicial Council revise six forms so that they comply with the Servicemembers Civil Relief Act (SCRA) and reflect the act's current title and legal citation. The revisions are intended to address concerns by courts that the forms are noncompliant with the act because they do not include a declaration as to how the petitioner/plaintiff determined the respondent's/defendant's nonmilitary status before requesting default judgment, and to make other minor technical

revisions as appropriate. The joint proposal seeks to ensure that the declarations of nonmilitary status on civil and family law forms are consistent to the extent appropriate.

Action: The committee unanimously approved the joint recommendation from the Civil and Small Claims Advisory Committee and Family and Law Advisory Committee, which is to go to the Judicial Council for action at the September council meeting.

Item 11

Appellate Procedure and Juvenile Law: Transfer of Jurisdiction to Criminal Court and Appeal from Transfer Orders

The committee reviewed a joint recommendation from the Appellate Advisory Committee and the Family and Juvenile Law Advisory Committee propose adopting a new rule of court, amending several other rules, and revising two forms pertaining to the transfer-of-jurisdiction process and juvenile appeals to reflect two legislative changes to the transfer statutes. In 2018, the Legislature passed Senate Bill 1391 (Lara; Stats. 2018, ch. 1012), which amended Welfare and Institutions Code section 707 to provide that a minor must be at least 16 years of age to be considered for transfer of jurisdiction to criminal court unless the individual for whom transfer is sought was 14 or 15 at the time of the offense, the offense is listed in section 707(b), and the individual was not apprehended until after the end of juvenile court jurisdiction. The Judicial Council took action to implement these age-related changes in the jurisdiction of the juvenile court in 2019 but revoked that action when a split of authority within the California Courts of Appeal arose as to whether these changes were enacted in a constitutional manner. That split was resolved by the California Supreme Court in 2021 in favor of the constitutionality of the legislation. Additionally, legislation was enacted in 2021 to provide an expedited review on the merits from an order granting a motion to transfer.

Action: The committee unanimously approved the joint recommendation from the Appellate and Family and Law Advisory Committees', which is to go to the Judicial Council for action at the September council meeting.

Item 12

Juvenile Law: Housing and Food Security for Youth Exiting Foster Care

The committee reviewed a recommendation from the Family and Juvenile Law Advisory Committee, revising on three forms, (1) the information that must be provided to the juvenile court about a youth's housing plans when exiting foster care, enacted by Assembly Bill 546; and (2) the written information that must be provided to the youth at the review hearing before the youth turns 18 years old, enacted by Assembly Bill 674

Action: The committee unanimously approved the Family and Juvenile Law Advisory Committee's recommendation, which is to go to the Judicial Council for action at the September council meeting.

Item 13

Rules: Remove Reporting Requirement for Courts With Mandatory Electronic Filing

The committee reviewed a recommendation from the Information Technology Advisory Committee to amend rule of Court that requires trial courts with mandatory electronic filing to submit reports about their electronic filing programs to the Judicial Council. The committee recommends amending the rule to remove the requirement because the reports are no longer needed.

Action: The Rules Committee unanimously approved Information Technology Advisory Committee's recommendation, which is to go to the Judicial Council for action at the September council meeting.

Item 14

Rules: Remote Access to Electronic Records by Appellate Appointed Counsel Administrators, Courts of Appeal, and the Habeas Corpus Resource Center

The committee reviewed a recommendation from the Information Technology Advisory Committee to amend four rules of court to authorize trial courts to provide remote access to electronic records to administrators contracted to run appellate appointed counsel programs, the Courts of Appeal, and the Habeas Corpus Resource Center. The proposal will help organizations serving parties entitled to appointed counsel on appeal obtain access to needed electronic records without visiting a courthouse. The proposal originated with a recommendation from staff of the Sixth District Appellate Program, which is one of the contracted administrators.

Action: The committee unanimously approved Information Technology Advisory Committee's recommendation, which is to go to the Judicial Council for action at the September council meeting. (The committee was later informed that the advisory committee withdrew the proposal before the council meeting.)

Item 15

Rules: Remote Access to Criminal Electronic Records

The committee reviewed a recommendation from the Information Technology Advisory Committee to amend a rule of court to authorize trial courts to provide private criminal defense attorneys broader remote access to criminal electronic records.

Action: With one abstention (Ms. Hill), the committee approved the Information Technology Advisory Committee's recommendation, which is to go to the Judicial Council for action at the September council meeting. (The committee was later informed that the advisory committee withdrew the proposal before the council meeting.)

ADJOURNMENT

There being no further business, the meeting was adjourned at 1:18 p.m.

Approved by the Rules Committee on enter date.



JUDICIAL COUNCIL OF CALIFORNIA

RULES COMMITTEE

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RULES COMMITTEE

MINUTES OF OPEN MEETING

Tuesday, August 23, 2022

3:30 - 5:00 p.m.

Videoconference

Advisory Body Members Present: Hon. Carin T. Fujisaki, Hon. Dalila C. Lyons, Hon. Kevin C. Brazile, Ms. Rachel W. Hill, Mr. Shawn C. Landry, Hon. Glenn Mondo, and Mr. Maxwell V. Pritt,

Advisory Body Members Absent: Hon. Rupert A. Byrdsong

Staff Present: Ms. Anne M. Ronan and Ms. Benita Downs

Other Staff Present Ms. Karene Alvarado, Mr. James Barolo, Ms. Kerry Doyle, Ms. Audrey Fancy, Ms. Sarah Fleischer-Ihn, Mr. Michael Giden, Ms. Ann Gilmour, Ms. Anne Hadreas, Mr. Kendall Hannon, Ms. Frances Ho, Ms. Bonnie Hough, Ms. Tracy Kenny, Mr. Eric Long, Mr. Jason Mayo, Mr. Daniel Richardson, Ms. Sarah Saria, Ms. Marymichael Smrdeli, Ms. Christy Simons, Mr. Corby Sturges, Mr. Greg Tanaka, and Xiaoyu Zhang.

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 3:30 p.m., and Ms. Downs took roll call.

DISCUSSION AND ACTION ITEMS (ITEMS 1-15)

Item 01

Civil Jury Instructions: Instructions with Minor or Nonsubstantive Revisions Description of Item Discussed

The committee reviewed a recommendation from the Advisory Committee on Civil Jury Instructions to approve revisions to the *Judicial Council of California Civil Jury Instructions (CACI)* to maintain and update those instructions. The 14 instructions in the release, prepared by the advisory committee, contained the types of revisions that the Judicial Council has given the Rules Committee final authority to approve—primarily changes to the Sources and Authority that are nonsubstantive and unlikely to cause controversy. Also included within the instructions were grammatical, typographical, and citation corrections for which the Rules Committee has delegated authority to the Advisory Committee on Civil Jury Instructions.

Action: The committee gave final approval of the Advisory Committee on Civil Jury Instructions Committee's recommendation..

Item 02

Judicial Branch Education: Rules Review and Modernization

The committee reviewed a recommendation from the Center for Judicial Education and Research Advisory Committee to amend 19 rules of court governing judicial branch education. The amendments are required to recognize new education delivery methods, adopt current adult education terminology, provide court staff and judicial officers a greater degree of authority and flexibility in meeting their educational needs, resolve requirement disparities between similar groups, adopt gender-neutral language, and clarify and simplify existing language.

Action: The committee approved the Center for Judicial Education and Research Advisory Committee's recommendation, which is to go to the Judicial Council for action at the September council meeting.

Item 15 (Out of order)

Juvenile Dependency Law: Counsel Collections Program Guidelines

The committee reviewed a recommendation from the Family and Juvenile Law Advisory Committee to add to its annual agenda an item to allow a change to the threshold income level for a presumptive inability to pay for counsel under the Juvenile Dependency Counsel Collections Program to match the civil fee waiver income threshold, which was recently updated. In 2012, the committee chose to use the threshold for income eligibility for a civil fee waiver in Government Code section 68632 (income of 125 percent of the federal poverty line) to establish the presumption of a parent's inability to pay for attorney's fees. With a recent amendment to section 68632 raising the figure to 200 percent, the committee proposed that the presumption of inability to pay also be adjusted for court-appointed dependency counsel in Appendix F to the California Rules of Court to reflect the change and proposed to make the change effective at the same time that the annual update to the federal poverty guidelines are made at the March 2023 Judicial Council meeting.

Action: The committee approved the amendments to the Family and Juvenile Law Advisory Committee's annual agenda.

Item 03

Family Law: Recognition of Tribal Court Orders Relating to Division of Marital Assets

The committee reviewed a joint recommendation from the Family and Juvenile Law Advisory Committee and the Tribal Court–State Court Forum that the Judicial Council, effective January 1, 2023, adopt two new forms to implement Assembly Bill 627 (Stats. 2021, ch. 58). This was Judicial Council–sponsored legislation that added section 2611 to the Family Code and revised various provisions of the Tribal Court Civil Money Judgment Act found in the Code of Civil Procedure. The provisions ensured that divorce or dissolution judgments issued by tribal courts

that include division of pension assets are effective and, in particular, are recognized as meeting the requirements of the Employee Retirement Income Security Act of 1974 (ERISA). AB 627 mandated that the Judicial Council adopt forms to implement the legislation.

Action: The committee approved the joint recommendation of the Family and Juvenile Law Advisory Committee and Tribal Court–State Court Forum , which is to go to the Judicial Council for action at the September council meeting.

Item 04

Juvenile Law: Short-Term Residential Therapeutic Program Placement

The committee reviewed a recommendation from the Family and Juvenile Law Advisory Committee to amend three rules and adopt, approve, and revise 30 Judicial Council forms, effective January 1, 2023, to finalize the implementation of Assembly Bill 153. AB 153 implements part IV of the federal Family First Prevention Services Act of 2018, which requires participating states to create a process of judicial review for each placement of a foster youth in a congregate care placement. This is the second time the proposal circulated for public comment. The proposal initially circulated in spring 2021, before AB 153 was signed into law. Additional requirements created by AB 153 for status review hearings and not addressed in the previous proposal are incorporated into this proposal.

Action: The committee approved the Family and Juvenile Law Advisory Committee’s recommendation, which is to go to the Judicial Council for action at the September council meeting.

Item 05

Rules and Forms: Small Estate Disposition

The committee reviewed a recommendation from the Probate and Mental Health Advisory Committee to revise two forms used in proceedings for the summary disposition of property in estates of small value. Effective April 1, 2022, and without circulation for comment, the Judicial Council adopted one form and revised three forms, including the two in the report, to comply with a statutory mandate to adjust dollar amounts related to small estate disposition and to publish the adjusted amounts. Having circulated the forms for comment, the committee now recommends further revisions to the forms.

Action: The committee approved the Probate and Mental Health Advisory Committees’ recommendation, which is to go to the Judicial Council for action at the September council meeting.

Item 06**Rules and Forms: Probate Guardianship and Juvenile Dependency Information**

The committee reviewed a joint recommendation from the Family and Juvenile Law Advisory Committee and the Probate and Mental Health Advisory Committee to adopt one form, approve two forms, and revise three forms to implement statutory amendments affecting the relationship between probate guardianships and juvenile dependency proceedings. The new mandatory information form fulfills the statutory requirement to develop a form explaining the nature of a guardianship, the rights and duties of a guardian, and the services and supports available to a probate guardian compared with those available to a caregiver in the child welfare system and a guardian appointed by the juvenile court. One new optional form and two revised forms completed a thorough, up-to-date, and consistent set of information forms on probate guardianship and juvenile dependency cases. In addition, the revisions to one form implement the amended process for probate court referral of a child who is the subject of a guardianship petition to the local child welfare agency for investigation of abuse or neglect and commencement of juvenile court proceedings. Approval of the new form gives the probate court an option for exercising its statutory authority to request juvenile court review of an agency's decision not to commence juvenile court proceedings in response to the court's referral.

Action: The committee approved the joint recommendation of the Family and Juvenile Law Advisory Committee and Probate and Mental Health Advisory Committee, which is to go to the Judicial Council for action at the September council meeting.

Item 07**Rules and Forms: Probate Guardianship Objection**

The committee reviewed a recommendation from the Probate and Mental Health Advisory Committee to approve one form for optional use by parents, relatives, and other interested persons to object to a petition to appoint a probate guardian for a minor child. In guardianship proceedings, most parties and interested persons are self-represented. The petitions, forms GC-210 and GC-210(P), provide a framework for petitioners to specify their requests and allegations in appropriate categories. There is currently no Judicial Council form for objecting to a guardianship petition. Courts and self-help centers have indicated that the lack of a simple, standard form places objectors at a disadvantage and often leaves courts unable to discern the bases for objections. The proposed form is intended to address those concerns.

Action: The committee approved the Probate and Mental Health Advisory Committee's recommendation, which is to go to the Judicial Council for action at the September council meeting.

Item 08**Rules and Forms: Probate Conservatorships**

The committee reviewed a recommendation from the Probate and Mental Health Advisory Committee to adopt one rule of court, amend three rules, repeal three rules, revise two forms, and revoke one form to implement requirements in Assembly Bill 1194 (Stats. 2021, ch. 417), which

amended the procedural and substantive law governing the establishment, court oversight, and termination of probate conservatorships. Amendment of one rule and revision of one form were expressly mandated by statute. The committee also recommended further amendments and revisions to conform to existing law.

Action: The committee approved the Probate and Mental Health Advisory Committee's recommendation, which is to go to the Judicial Council for action at the September council meeting.

Item 09

Domestic Violence: Rule and Form Changes to Implement New Laws

The committee reviewed a recommendation from the Family and Juvenile Law Advisory Committee to adopt five new Judicial Council forms and revise 19 forms to implement new laws enacted by Senate Bill 320 (Rubio; Stats. 2021, ch. 685), Assembly Bill 1621 (Gipson; Stats. 2022, ch. 76), Senate Bill 374 (Min; Stats. 2021, ch. 135), Senate Bill 24 (Caballero; Stats. 2021, ch. 129), Senate Bill 538 (Rubio; 1 Stats. 2021, ch. 686), and Assembly Bill 277 (Valladares; Stats. 2021, ch. 457). The committee also recommended revoking one form, which will be combined with an existing form, and repealing rule 5.495 of the California Rules of Court, which has been codified by SB 320.

Action: The committee approved the Family and Juvenile Law Advisory Committee's recommendation, which is to go to the Judicial Council for action at the September council meeting.

Item 10

Protective Orders: Elder Abuse Forms Implementing New Cause of Action Allowing Contact

The committee reviewed a recommendation from the Civil and Small Claims Advisory Committee to adopt, approve, and revise 12 forms to implement certain statutory changes in Assembly Bill 1243 (Stats. 2021, ch. 273). AB 1243 created a new cause of action whereby a restraining order can be issued allowing contact between an elder or dependent adult and an individual who meets certain statutory requirements. The proposal incorporated those provisions into the council's elder abuse forms and included updated language concerning interpreters, disability accommodation, and priority of enforcement on the proposed forms.

Action: The committee approved the Civil and Small Claims Advisory Committee's recommendation, which is to go to the Judicial Council for action at the September council meeting.

Item 11

Protective Orders: Gun Violence Forms Implementing Statutory Amendments Permitting Remote Appearances and Modifying the Definition of Firearms

The committee reviewed a recommendation from the Civil and Small Claims Advisory Committee to revise 18 of the Judicial Council's gun violence restraining order forms to

implement statutory changes in Senate Bill 538 (Stats. 2021, ch. 686), and Assembly Bill 1621 (Stats. 2022, ch. 76). Assembly Bill 1621 amended the definition of “firearms” for the purpose of gun violence restraining orders to include certain firearm parts. Senate Bill 538 permits parties and witnesses to attend hearings on gun violence restraining orders remotely. The proposal incorporated these new provisions into the council’s forms and made other minor changes to gun violence protective order forms.

Action: The committee approved the Civil and Small Claims Advisory Committee’s recommendation, which is to go to the Judicial Council for action at the September council meeting.

Item 12

Juvenile Law: Restraining Orders

The committee reviewed a recommendation from the Family and Juvenile Law Advisory Committee amend three rules of the California Rules of Court, and adopt eight forms and revise five forms, to conform to recent statutory changes enacted by Senate Bill 1141 (Rubio; Stats. 2020, ch. 248) and Senate Bill 374 (Min; Stats. 2021, ch. 135) regarding the definition of “disturbing the peace” in restraining order cases and Senate Bill 320 (Eggman; Stats. 2021, ch. 685) and Assembly Bill 1621 (Gipson; Stats. 2022, ch. 76) regarding firearms and ammunition prohibitions. The proposal also provided separate application and order forms related to restraining orders against a juvenile and included one new proof of service form to ensure the juvenile restraining orders are entered into the California Law Enforcement Telecommunications System (CLETS) database. At the same time, the committee recommended converting the forms to plain-language forms so that they are consistent with other restraining order forms and are easier to understand, complete, and enforce.

Action: The committee approved the Family and Juvenile Law Advisory Committee’s recommendation, which is to go to the Judicial Council for action at the September council meeting.

Item 13

Rules and Forms: Miscellaneous Technical Changes to Criminal Rules and Forms

The committee reviewed a recommendation from Judicial Council staff to amend standard 4.30 of the California Standards of Judicial Administration to refer to a renumbered form, and revise four criminal forms to incorporate changes resulting from legislation. The changes were technical, minor, and noncontroversial. Judicial Council staff recommended making the necessary corrections to conform to statutes and rules and avoid causing confusion for court users, clerks, and judicial officers.

Action: The committee approved the Judicial Council staff’s recommendation, which is to go to the Judicial Council for action at the September council meeting.

Item 14

Miscellaneous: Technical Amendment Report

The committee reviewed a recommendation from Judicial Council staff to correct a minor error in *Confidential Child Custody Evaluation Report Under Family Code Section 3118* (form FL-329), to remove an extraneous check box make other minor changes to avoid causing confusion for court users, clerks, and judicial officers.

Action: The committee approved the Judicial Council staff's recommendation, which is to go to the Judicial Council for action at the September council meeting.

Follow-up on two items from August 18 meeting

Request that items be placed on discussion agenda

The committee reviewed a suggestion from the chair that the committee propose that two items discussed at the August 18, 2022, meeting (agenda items 14 and 15 from that meeting) be placed on the discussion agenda at the September council meeting.

Action: The committee voted to propose to the Executive and Planning Committee that agenda item 14 and 15 from the August 18 Rules Committee meeting be placed on the discussion agenda at the September council meeting.

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 4:28 p.m.

Approved by the advisory body on enter date.

To Be Provided

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee Meeting Date: September 22, 2022

Rules Committee action requested [Choose from drop down menu below]:
Circulate for comment (out of cycle)

Title of proposal: Protective Orders: Civil Protective Order Forms Implementing Assembly Bill 1621

Proposed rules, forms, or standards (include amend/revise/adopt/approve):

Revise forms CH-100, CH-100-INFO, CH-109, CH-110, CH-120, CH-120-INFO, CH-130, CH-200, CH-800, CH-800-INFO, SV-100, SV-100-INFO, SV-109, SV-110, SV-120, SV-120-INFO, SV-130, SV-200, SV-800, SV-800-INFO, WV-100, WV-100-INFO, WV-109, WV-110, WV-120, WV-120-INFO, WV-130, WV-200, WV-800, WV-800-INFO

Committee or other entity submitting the proposal:

Civil and Small Claims Advisory Committee

Staff contact (name, phone and e-mail): James Barolo, 415-865-8928, james.barolo@jud.ca.gov

Identify project(s) on the committee's annual agenda that is the basis for this item:

Annual agenda approved by Rules Committee on (date): November 2, 2021; amended November 16, 2021, March 21, 2022 and April 6, 2022

Project description from annual agenda: Develop form recommendations as appropriate. SB 538 permits parties and witnesses to appear remotely at hearings on petitions for gun violence restraining orders. AB 1057 redefines "firearms" to include certain firearm parts for the purposes of gun violence restraining orders. The current gun violence restraining order forms must be revised to conform to the new laws.

Out of Cycle: *If requesting September 1 effective date or out of cycle, explain why:*

The Legislature enacted urgency legislation effective June 30, 2022 to also include certain firearm parts for the purposes of civil harassment, private postsecondary school violence, and workplace violence restraining orders within the definition of "firearms." Since the new law is already in effect, the form revisions are proceeding on a special comment cycle so that they can be revised as soon as possible.

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any relevant information not contained in the attached summary.)

Additional Information for JC Staff (provide with reports to be submitted to JC):

- **Form Translations** (check all that apply)

This proposal:

- includes forms that have been translated.
- includes forms or content that are required by statute to be translated. Provide the code section that mandates translation: [Click or tap here to enter text.](#)
- includes forms that staff will request be translated.

- **Form Descriptions** (for any proposal with new or revised forms)

The forms in this proposal will require new or revised form descriptions on the JC forms webpage. (If this is checked, the form descriptions should be approved by a supervisor before submitting this RAR.)

- **Self-Help Website** (check if applicable)

This proposal may require changes or additions to self-help web content.

JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue • San Francisco, California 94102-3688

www.courts.ca.gov/policyadmin-invitationstocomment.htm

INVITATION TO COMMENT

SP22-09

Title

Protective Orders: Civil Protective Order Forms Implementing Assembly Bill 1621

Proposed Rules, Forms, Standards, or Statutes

Revise forms CH-100, CH-100-INFO, CH-109, CH-110, CH-120, CH-120-INFO, CH-130, CH-200, CH-800, CH-800-INFO, SV-100, SV-100-INFO, SV-109, SV-110, SV-120, SV-120-INFO, SV-130, SV-200, SV-800, SV-800-INFO, WV-100, WV-100-INFO, WV-109, WV-110, WV-120, WV-120-INFO, WV-130, WV-200, WV-800, WV-800-INFO

Proposed by

Civil and Small Claims Advisory Committee
Hon. Tamara Wood, Chair

Action Requested

Review and submit comments by October 11, 2022

Proposed Effective Date

January 1, 2023

Contact

James Barolo, 415-865-8928
james.barolo@jud.ca.gov

Executive Summary and Origin

The Civil and Small Claims Advisory Committee is proposing revisions to 30 Judicial Council civil restraining orders forms. Many of the forms in this proposal were circulated for comment between April and May 2022 to update the information on the forms related to interpreters, disability and court accommodations, and the priority of enforcement among protective orders. After the comment period closed, the Legislature enacted Assembly Bill 1621 (Stats. 2022, ch. 76), which took effect immediately on June 30, 2022. The new legislation prohibits persons restrained under these restraining orders from possessing firearm parts (in addition to the already prohibited firearms). This proposal recommends additional revisions to 12 previously circulated forms and recommends revisions to 18 forms that were not previously circulated to reflect the new law.

This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee. It is circulated for comment purposes only.

Background

On June 30, 2022, the Legislature enacted Assembly Bill 1621 (Stats. 2022, ch. 76).¹ The law was passed as urgency legislation and took effect immediately. In addition to firearms and ammunition, AB 1621 prohibits individuals restrained under most civil protective orders from possessing or obtaining firearm parts, including completed frames and receivers and “firearm precursor parts” as defined in Penal Code section 16531(a), which was also modified by AB 1621. (Pen. Code, § 16520(b)(24) & (26).) The expanded prohibition on possessing firearm parts in Assembly Bill 1621 now applies to protective orders for civil harassment, elder or dependent adult abuse,² private postsecondary school violence, and workplace violence. This proposal contains revisions to all those form types except elder or dependent adult abuse, which is in a separate proposal.

Prior Circulation

A proposal with revisions to civil protective order forms to update the information on the forms concerning interpreters, disability and court accommodations, and the priority of enforcement among protective orders was previously circulated for comment in spring 2022.³ The forms in that proposal are being recirculated in light of the further revisions recommended to those forms to implement AB 1621.

The Proposal

This proposal recommends revisions to forms in the civil harassment restraining orders form group (CH-100 and CH-800 series), private postsecondary school restraining orders form group (SV-100 and SV-800 series), and workplace violence restraining order group (WV-100 and WV-800 series) to include language stating that restrained individuals are not permitted to possess or obtain firearm parts (firearm precursor parts, also known as ghost guns). Such revisions are urgently needed to conform to a recent change in the law under AB 1621.⁴ The forms in this proposal are:

CH forms:

- *Request For Civil Harassment Restraining Orders* (form CH-100);
- *Can a Civil Harassment Restraining Order Help Me?* (form CH-100-INFO);
- *Notice of Court Hearing* (form CH-109);
- *Temporary Restraining Order* (form CH-110);
- *Response to Request for Civil Harassment Restraining Orders* (form CH-120);

¹ Assembly Bill 1621 is available at

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1621.

² The prohibition on possessing firearm parts in Assembly Bill 1621 does not apply to the new cause of action for an elder or dependent adult restraining order allowing contact under AB 1243.

³ See *Protective Orders: Updating Civil Protective Order Forms* (SPR22-22), <https://www.courts.ca.gov/documents/spr22-22.pdf>.

⁴ The new revisions are highlighted in yellow while earlier revisions (to implement the new findings that a court may make related to specific debts and to update information about interpreters, disability and court accommodations, and the priority of enforcement among protective orders) are highlighted in gray.

- *How Can I Respond to a Request for Civil Harassment Restraining Orders?* (form CH-120-INFO);
- *Civil Harassment Restraining Order After Hearing* (form CH-130);
- *Proof of Personal Service* (form CH-200);
- *Proof of Firearms, Turned In, Sold, or Stored* (CH-800), retitled *Receipt for Firearms, Firearms Parts and Ammunition*; and
- *How Do I Turn In, Sell, or Store My Firearms?* (form CH-800-INFO), retitled *How Do I Turn In, Sell, or Store My Firearms, Firearm Parts, and Ammunition?*

SV forms:

- *Petition for Private Postsecondary School Violence Restraining Orders* (form SV-100);
- *How Do I Get an Order to Prohibit Private Postsecondary School Violence?* (form SV-100-INFO);
- *Notice of Court Hearing* (form SV-109);
- *Temporary Restraining Order* (form SV-110);
- *Response to Petition for Private Postsecondary School Violence Restraining Orders* (form SV-120);
- *How Can I Respond to a Petition for Private Postsecondary School Violence Restraining Orders?* (form SV-120-INFO);
- *Private Postsecondary School Violence Restraining Order After Hearing* (form SV-130);
- *Proof of Personal Service* (form SV-200);
- *Proof of Firearms, Turned In, Sold, or Stored* (SV-800), retitled *Receipt for Firearms, Firearms Parts and Ammunition*; and
- *How Do I Turn In, Sell, or Store My Firearms?* (form SV-800-INFO), retitled *How Do I Turn In, Sell, or Store My Firearms, Firearm Parts, and Ammunition?*

WV forms:

- *Petition for Workplace Violence Restraining Orders* (form WV-100);
- *How Do I Get an Order to Prohibit Workplace Violence?* (form WV-100-INFO);
- *Notice of Court Hearing* (form WV-109);
- *Temporary Restraining Order* (form WV-110);
- *Response to Petition for Workplace Violence Restraining Orders* (form WV-120)
- *How Can I Respond to a Petition for Workplace Violence Restraining Orders?* (form WV-120-INFO)
- *Workplace Violence Restraining Order After Hearing* (form WV-130);
- *Proof of Personal Service* (form WV-200);
- *Proof of Firearms, Turned In, Sold, or Stored* (form WV-800), retitled *Receipt for Firearms, Firearms Parts and Ammunition*; and
- *How Do I Turn In, Sell, or Store My Firearms?* (form WV-800-INFO), retitled *How Do I Turn In, Sell, or Store My Firearms, Firearm Parts, and Ammunition?*

Last year the Legislature enacted Assembly Bill 1057 (Stats. 2021, ch. 682),⁵ which provided that individuals restrained under gun violence or domestic violence restraining orders are not permitted to possess or obtain firearm parts. This year, AB 1621 further revised the definition of “firearm precursor part” in Penal Code section 16531(a).⁶ Proposals revising language in those types of restraining orders to add firearm parts were adopted by the council at its September 2022 meeting.⁷ For consistency, the recommended revisions in this proposal closely track the revisions to gun violence and domestic violence restraining orders related to firearm parts. The specific revisions are discussed below by form type. (The committee notes that the changes proposed are the same across all form groups, CH, WV, and SV, and these are the same as proposed in the EA forms in a separate invitation to comment. The committee will consider comments on any one set as applying to all unless the commenter notes otherwise.)

Petitions, responses, and corresponding information sheets

The civil harassment, private postsecondary school violence, and workplace violence petitions and responses (forms CH-100, CH-120, SV-100, SV-120, WV-100, and WV-120) all contain questions about whether the person to be restrained owns or possesses any firearms. This proposal revises that question on each of form to also refer to “firearm parts” and includes a parenthetical plain language definition for such a term—“any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531.”

The information sheets about the petitions and responses (forms CH-100-INFO, CH-120-INFO, SV-100-INFO, SV-120-INFO, WV-100-INFO, and WV-120-INFO) include similar additions explaining that the restraining order can prevent the subject of the restraining order from having firearms (guns), firearm parts, and ammunition. The parenthetical definition mentioned above is also included on both information sheets. In addition, the information sheets also include two new links. The first is to a dedicated California Courts Self-Help page providing additional information about the “prohibited items” a person restrained under most California restraining orders is not allowed to have. The second is a more general link that offers information about the specific restraining order process and provides step by step instructions on obtaining such an order.

Orders

This proposal would also revise the temporary restraining orders (forms CH-110, SV-110, and WV-110) and the orders after hearing (forms CH-130, SV-130, and WV-130) to include a new

⁵ Assembly Bill 1057 is available at https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1057.

⁶ The previous definition of “firearm precursor part” described the precursor parts as different types of unfinished receivers and frames, including a “receiver channel” and a “receiver side plate.” The new definition in AB 1621 replaced specific types of unfinished receivers with a broader reference to an “article” that may be “readily” “converted to be used as the frame or receiver.”

⁷ The committee believes that the same wording it proposed be used in the forms to implement AB 1057 is appropriate to implement AB 1621, and that language is what was approved by the council. (See Judicial Council of Cal., Advisory Com. Rep., *Protective Orders: Gun Violence Forms Implementing Statutory Amendments Permitting Remote Appearances and Modifying the Definition of Firearms* (Aug. 10, 2022), <https://jcc.legistar.com/View.ashx?M=F&ID=11205465&GUID=ACE8A41E-6217-4FC9-9B8A-E3ED80D7145F>.)

item listing the “prohibited items,” including firearm parts. Other items in each form refer to the new item defining prohibited items rather than listing each prohibited item.⁸

Notice of court hearing

The hearing notices (forms CH-109, SV-109, and WV-109) contain warnings to the restraining order respondents that if the court issues a restraining order they will be required to turn in their firearms. This proposal revises those warnings to include firearm parts with the parenthetical definition also included on the petition and the response.

Forms regarding relinquishment of prohibited items

Since most of the civil protective orders require the restrained person to relinquish their firearms and related items and to file a proof with the court verifying that they have done so, the council has adopted forms to facilitate this process. Following circulation for comment and user testing such forms in the gun violence and domestic violence form series, the committee recommended new titles and significant reformatting. This proposal includes similar revisions to forms CH-800, SV-800, and WV-800, proposed to be retitled as *Receipt for Firearms, Firearm Parts, and Ammunition* and CH-800-INFO, SV-800-INFO, and WV-800-INFO, proposed to be retitled as *How Do I Turn In, Sell, or Store My Firearms, Firearm Parts, and Ammunition?*

Such parallel revisions also include adding a check box to forms CH-800, SV-800, and WV-800 to be used by law enforcement and gun dealers to indicate that a separate form listing the items is attached. Check boxes noting whether each listed item has been “Sold,” “Stored,” or is “To be destroyed” have also been added to those forms. In addition, forms CH-800-INFO, SV-800-INFO, and WV-800-INFO now contain an explanation that firearms and other prohibited items may not be given to a friend or family member and clarify that both law enforcement and a licensed gun deal may charge a fee to store firearms.

Proofs of service

The optional proofs of service (forms CH-200, SV-200, and WV-200) include the proof of firearm relinquishment (forms CH-800, SV-800, and WV-800) as one of the forms that can be checked off as having been served. Accordingly, this proposal recommends revising the proofs of service to reflect the updated title of the respective 800-form.⁹

Effective date

Given that AB 1621 has already taken effect, the forms in this proposal are proceeding on a special cycle with an abbreviated comment period to be presented to the council for approval or adoption in December 2022, even though this will provide less than usual time for the forms to be put into use. The committee recommends that the revisions take effect January 1, 2023, in

⁸ In response to a comment received on the original proposal, the order forms also contain revisions to the item describing the restrained person to note which fields are required for the order to be entered into the California Law Enforcement Telecommunications System. Additionally, the priority of enforcement language on the last pages of the orders has also been modified in response to comments received on the original proposal.

⁹ To correct inadvertent omissions, forms SV-200 and WV-200 have also been updated to add corresponding proof of service by mail forms (SV-250 and WV-250) to the list of forms that can be checked off as having been served.

order for the new law to be reflected on the forms as soon as possible. Additionally, similar revisions to gun violence and domestic violence restraining order forms to include “firearm parts” on the forms will also become effective January 1, 2023, and having all the restraining orders change at the same time should make training simpler.

Alternatives Considered

Because AB 1621 prohibits individuals restrained under civil protective orders from having firearm parts, which is not provided for on the council’s current mandatory civil protective order forms, the committee determined that taking no action would be inappropriate.

The advisory committee considered an alternative plain language definition of firearm parts for the forms here, one which would more closely align with the language added to Penal Code section 16531(a) in AB 1621. The alternative parenthetical definition is as follows: “any item that may be used as or easily turned into a firearm frame or receiver (see Pen. Code, § 16531).” However, because the council favors consistency among protective order forms and because a slightly different definition is used on the gun violence and domestic violence restraining order forms recently approved by the council,¹⁰ the forms proposed here include the language identical to that in the domestic violence and gun violence restraining orders.

The committee considered recommending a later effective date for the revised forms in this proposal, but concluded that an effective date of January 1, 2023 is appropriate because that is the date that revisions to other protective order forms with similar information will take effect. (The committee notes that AB 1621 regarding firearms is already in effect.)

Fiscal and Operational Impacts

Most of the impacts arising from this new law—including education of judicial officers, staff, and justice partners as to the new provisions—are a result of the changes in statute, not the forms proposal. The committee anticipates that this proposal will result in some costs incurred by courts to incorporate new forms into their paper or electronic processes and to train court staff. However, all the revised forms are intended to assist courts in dealing with the impact of the legislation by making it easier for clerks, judicial officers, and litigants to understand the items that restrained individuals are prohibited from having.

¹⁰ Those forms were recently approved by the council with the language proposed here, “any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531,” as a parenthetical definition of firearm parts,

Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?
- Which parenthetical plain language definition for firearm parts is preferable:
 - “any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531”
 - “any item that may be used as or easily turned into a firearm frame or receiver (see Pen. Code, § 16531)”
 - Some other language?

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

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would one month from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Forms CH-100, CH-100-INFO, CH-109, CH-110, CH-120, CH-120-INFO, CH-130, CH-200, CH-800, CH-800-INFO, SV-100, SV-100-INFO, SV-109, SV-110, SV-120, SV-120-INFO, SV-130, SV-200, SV-800, SV-800-INFO, WV-100, WV-100-INFO, WV-109, WV-110, WV-120, WV-120-INFO, WV-130, WV-200, WV-800, WV-800-INFO, at pages 8–114
2. Link B: Assembly Bill 1621,
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1621
3. Link C: Assembly Bill 1057,
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1057

Clerk stamps date here when form is filed.

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.

DRAFT
8/17/2022
**Not approved by
the Judicial Council**

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: _____

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 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)?

Yes No (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"/> 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.



7 a. (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.

Horizontal lines for writing the answer to question 7a(3).

(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.

Horizontal lines for writing the answer to question 7a(4).

(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.

Horizontal lines for writing the answer to question 7a(5).

(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):

Me The person in 2 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.

Horizontal lines for writing the answer to question 7b.

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) <input type="checkbox"/> Me. | (8) <input type="checkbox"/> My vehicle. |
| (2) <input type="checkbox"/> The other persons listed in (3) . | (9) <input type="checkbox"/> Other (<i>specify</i>): |
| (3) <input type="checkbox"/> My home. | _____ |
| (4) <input type="checkbox"/> My job or workplace. | _____ |
| (5) <input type="checkbox"/> My school. | _____ |
| (6) <input type="checkbox"/> My children's school. | _____ |
| (7) <input type="checkbox"/> My children's place of child care. | _____ |

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 **Firearms (Guns), Firearm Parts, and Ammunition**

Does the person in **(2)** own or possess any firearms (guns), firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531), or ammunition? 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 firearms (guns), firearm parts, 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 or store with a licensed gun dealer, any firearms (guns), firearm parts, and ammunition within his or her immediate possession or control.

This is not a Court Order.



11 **Temporary Restraining Order**

I request that a Temporary Restraining Order (TRO) be issued against the person in **(2)** to last until the hearing. I am presenting form CH-110, *Temporary Restraining Order*, for the court’s signature together with this *Request*.

Has the person in **(2)** been told that you were going to go to court to seek a TRO against him/her?

Yes No *(If you answered no, 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—Temporary Restraining Order” for a title.

12 **Request to Give Less Than Five Days' Notice of Hearing**

*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 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 14—Lawyer’s Fees and Costs” for a title.

This is not a Court Order.



15 **Possession and Protection of Animals**

I ask the court to order the following:

- a. That I be given the sole possession, care, and control of the animals listed below, which I own, possess, lease, keep, or hold, or which reside in my household.
(Identify animals by, e.g., type, breed, name, color, sex.)

I request sole possession of the animals because *(specify good cause for granting order)*:

- 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 15a—Possession of Animals" for a title.*

- b. That the person in **(2)** must stay at least _____ yards away from, and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above.

16 **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 16—Additional Orders Requested," for a title.*

17 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 any firearms (guns), firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531), or ammunition

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

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 \(CLETS-TCH\)](#).

Where can I get these forms?

You can get the forms from legal publishers or on the Internet at www.courts.ca.gov/forms. 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 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 [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 fills 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**:

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 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
 Revised July 1, 2014, Mandatory Form
 Code of Civil Procedure, § 527.6
 Approved by DOJ **Notice of Court Hearing**
(Civil Harassment Prevention) CH-109, Page 1 of 3



What if I have a disability?

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

Information about the process is also available online.

<https://selfhelp.courts.ca.gov/CH-restraining-order>

For help in your area, contact:

[Local information may be inserted.]

What if I don't speak English?

When you file your papers, ask the clerk if a court interpreter is available. You can also use form [INT-300, Request for Interpreter \(Civil\)](#), or a local court form or website to request an interpreter. For more information about court interpreters, go to www.courts.ca.gov/selfhelp-interpreter.htm.

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.

DRAFT

8/17/2022

**Not approved by
the Judicial Council**

Clerk stamps date here when form is filed.

DRAFT

8/17/2022

**Not approved by
the Judicial Council**

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 email.)*

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email 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:

<div style="border: 1px solid black; border-radius: 50%; padding: 5px; display: inline-block;"> Hearing Date </div>	→ 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 Confidential Information Regarding Minor

a. A Request to Keep Minor’s Information Confidential (form CH-160) was made and **GRANTED**. (See form CH-165, Order on Request to Keep Minor's Information Confidential, served with this form.)

b. **If the request was granted, the information described in item ⑦ on the order (form CH-165) must be kept CONFIDENTIAL. The disclosure or misuse of the information is punishable as a sanction, with a fine of up to \$1,000 or other court penalties.**

⑥ Service of Documents for 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’s file-stamped copy of this form CH-109 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 by Mail* (blank form)
- f. CH-170, *Notice of Order Protecting Information of Minor* and CH-165, *Order on Request to Keep Minor’s Information Confidential* (file-stamped) **IF GRANTED**
- g. 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 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 turn in to law enforcement, or sell to or store with a licensed gun dealer, any **firearms (guns), firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531)**, or ammunition 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 **Disability Accommodation Request** (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.

DRAFT
8/17/2022
Not approved by the Judicial Council

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 email.):
Address:
City: State: Zip:
Telephone: Fax:
Email 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

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

*Full Name: *Age: Date of Birth:
*Race: Height: Weight: Hair Color: Eye Color:
*Gender: M F Nonbinary Home Address:
City: State: Zip:
Relationship to Protected Person:

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:

Table with 5 columns: Full Name, Gender, Age, Household Member?, Relation to Protected Person. Includes Yes/No checkboxes for household member status.

Check here if there are additional 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

The court will complete the rest of this form.

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 email, 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 person in ①
 - (6) The school of the children of the person in ①
 - (7) The place of child care of the children of the person in ①
 - (8) The vehicle of the person in ①
 - (9) Other (*specify*):
 - _____
 - _____
 - _____
- b. This stay-away order does not prevent you from going to or from your home or place of employment.

7 No Firearms (Guns), Firearm Parts, or Ammunition

- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get any prohibited items listed in b on the next page.

This is a Court Order.



b. **Prohibited items are:**

- (1) Firearms (guns);
- (2) Firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531) and;
- (3) Ammunition.

c. You must:

- (1) Sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, all prohibited items 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 all your prohibited items have been turned in, sold, or stored. (You may use *Receipt for Firearms, Firearm Parts, and Ammunition* (form CH-800) for the receipt.)

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

8 Possession and Protection of Animals

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

a. The person in ① is given the sole possession, care, and control of the animals listed below, which are owned, possessed, leased, kept, or held by him or her, or reside in his or her household.
(Identify animals by, e.g., type, breed, name, color, sex.)

b. The person in ② must stay at least _____ yards away from, and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above.

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 Person in ① :

10 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.

This is a Court Order.



- 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 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 person in ① is entitled to a fee waiver.

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

Date: _____

Judicial Officer

Warnings and Notices to the Restrained Person in ②

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

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get any prohibited items listed in item 7b on page 3 while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any prohibited items 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.

This is a Court Order.



- 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 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.

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 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.

This is a Court Order.



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—Priorities for Enforcement

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

1. **Emergency Protective Order (EPO):** If one of the orders is an *Emergency Protective Order* (form EPO-001), provisions (e.g., stay-away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must be enforced.
2. **No-Contact Order:** If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. Item 5a(2) is an example of a no-contact order.
3. **Criminal Protective Order (CPO):** If none of the orders include an EPO or a no-contact order, the most recent CPO must be enforced. (Fam. Code, §§ 6383(h)(2) and 6405(b).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Pen. Code, § 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must be enforced.
4. **Civil Restraining Orders:** If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment) then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must be enforced.

(Clerk will fill out this part.)

Clerk's Certificate
[seal]

—Clerk's Certificate—

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.

Clerk stamps date here when form is filed.

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8/17/2022
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Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

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 five years.

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 by Mail.*)

① Person Seeking Protection

Full name of person seeking protection (*see form CH-100, item ①*):

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 email.*)

Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____ Fax: _____
 Email Address: _____

③ Personal Conduct Orders

- a. I agree to the orders requested.
- b. I do not agree to the orders requested. (*Specify why you disagree in item ⑪ on page 3.*)
- c. I agree to the following orders (*Specify below or in item ⑪ on page 3.*)

④ Stay-Away Orders

- a. I agree to the orders requested.
- b. I do not agree to the orders requested. (*Specify why you disagree in item ⑪ on page 3.*)
- c. I agree to the following orders (*specify below or in item ⑪ on page 3*):

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 Firearms (Guns), Firearm Parts, and Ammunition

If you were served with form CH-110, *Temporary Restraining Order*, you cannot own or possess any firearms (guns), firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531), or ammunition. (See item 7 of form CH-110.) You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any of those items in your immediate possession or control within 24 hours of being served with form CH-110. You must file a receipt with the court. You may use *Receipt for Firearms, Firearm Parts, and Ammunition* (form CH-800) for the receipt.

- a. I do not own or control any firearms (guns), firearm parts, or ammunition.
- b. I ask for an exemption from the firearms prohibition under Code of Civil Procedure section 527.9(f) because carrying a firearm is a condition of my employment, and my employer is unable to reassign me to another position where a firearm is unnecessary. *(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 6b—Firearms Surrender Exemption" as a title. You may use form MC-025, Attachment.

- c. I have turned in my firearms (guns), firearm parts, and ammunition to the police or sold them to or stored them with a licensed gun dealer.
 A copy of the receipt is attached. has already been filed with the court.

7 Possession and Protection of Animals

- a. I agree to the orders requested.
- b. I do not agree to the orders requested. *(Specify why you disagree in item 11 on page 3.)*
- c. I agree to the following orders *(specify below or in item 11 on page 3):*

8 Other Orders

- a. I agree to the orders requested.
- b. I do not agree to the orders requested. *(Specify why you disagree in item 11 on page 3.)*
- c. I agree to the following orders *(specify below or in item 11 on page 3):*

9 Denial

I did not do anything described in item 7 of form CH-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 **Reasons I Do Not Agree to the Orders Requested**

Explain your answers to each order requested that you do not agree with.

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 11—Reasons I Disagree" as a title. You may use form MC-025, Attachment.



12 **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.*)

13 **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 and write "Attachment 13—Lawyer's Fees and Costs" for a title. You may use form MC-025, Attachment.*
- 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.

14 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

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 firearms (guns), firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531), or ammunition as long as the order is in effect
- For more information about the items you would not be allowed to have, please see <https://selfhelp.courts.ca.gov/restraining-orders/prohibited-items>.

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 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/forms. You also may be able to find them at your local courthouse or county law library.

What if I don't obey the order?

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

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

Yes. Have someone age 18 or older—**not you**—mail a copy of completed form 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 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: _____

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: _____
 Dept.: _____ Room: _____

Name and address of court if different from above: _____

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
 Revised July 1, 2014, Mandatory Form
 Code of Civil Procedure, § 527.6
 Approved by DOJ

Notice of Court Hearing (Civil Harassment Prevention) CH-109, Page 1 of 2



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.

Information about the process is also available online.

<https://selfhelp.courts.ca.gov/CH-restraining-order>.

For help in your area, contact:

[Local information may be inserted.]

What if I don't speak English?

When you file your papers, ask the clerk if a court interpreter is available. You can also use form [INT-300, Request for Interpreter \(Civil\)](#), or a local court form or website to request an interpreter. For more information about court interpreters, go to www.courts.ca.gov/selfhelp-interpreter.htm.

What if I have a gun?

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

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

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

What if I have a disability?

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

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8/17/2022

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the Judicial Council**

Clerk stamps date here when form is filed.

DRAFT

8/17/2022

**Not approved by
the Judicial Council**

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

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 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 email.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

② Restrained Person

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

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

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

*Gender: M F Nonbinary Home Address: _____

City: _____ State: _____ Zip: _____

Relationship to Protected Person: _____

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:

Full Name	Gender	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 additional 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. 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 email, 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 6a(4).
- b. Peaceful written contact through a lawyer or 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 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 person in ① .
 - (6) The school of the children of the person in ①.
 - (7) The place of child care of the children of the person in ① .
 - (8) The vehicle of the person in ①.
 - (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 Firearms (Guns), Firearm Parts, or Ammunition

- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get any prohibited items listed below in b.
- b. **Prohibited items are:**
 - (1) Firearms (guns);
 - (2) Firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531) and;
 - (3) Ammunition.
- c. If you have not already done so, you must:
 - Within 24 hours of being served with this Order, sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, all prohibited items in your custody or control or that you possess or own.
 - File a receipt with the court within 48 hours of receiving this Order that proves that all your prohibited items have been turned in, sold, or stored. (You may use *Receipt for Firearms, Firearm Parts, and Ammunition* (form CH-800) for the receipt.)
- d. The court has received information that you own or possess a firearm (gun), firearm parts, or ammunition.
- e. The court has made the necessary findings and applies the firearm relinquishment exemption under Code of Civil Procedure section 527.9(f). Under California law, the person in (2) is not required to relinquish this firearm (*specify make, model, and serial number of firearm(s)*): _____

The firearm must be in his or her physical possession only during scheduled work hours and during travel to and from his or her place of employment. Even if exempt under California law, the person in (2) may be subject to federal prosecution for possessing or controlling a firearm.

9 Lawyer's Fees and Costs

The person in ___ must pay to the person in ___ the following amounts for

<input type="checkbox"/> lawyer's fees	<input type="checkbox"/> 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 Possession and Protection of Animals

- a. The person in (1) is given the sole possession, care, and control of the animals listed below, which are owned, possessed, leased, kept, or held by him or her, or reside in his or her household. (*Identify animals by, e.g., type, breed, name, color, sex.*)

- b. The person in (2) must stay at least _____ yards away from, and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above.

This is a Court Order.



11 **Other Orders** (*specify*):

Additional orders are attached at the end of this Order on Attachment 11.

To the Person in ①:

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 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 12.

13 **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.

14 **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.

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

Date: _____

Judicial Officer

This is a Court Order.



Warning and Notice to the Restrained Person in 2:**You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition**

Unless item 8e is checked, you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get any prohibited items listed in item 8b on page 3 while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any prohibited items 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.

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).)

This is a Court Order.

Conflicting Orders—Priorities of Enforcement

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

1. **Emergency Protective Order (EPO):** If one of the orders is an *Emergency Protective Order* (form EPO-001), provisions (e.g., stay-away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must be enforced.
2. **No-Contact Order:** If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. Item 6a(2) is an example of a no-contact order.
3. **Criminal Protective Order (CPO):** If none of the orders include an EPO or a no-contact order, the most recent CPO must be enforced. (Fam. Code, §§ 6383(h)(2) and 6405(b).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Pen. Code, § 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must be enforced.
4. **Civil Restraining Orders:** If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment) then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must be enforced.

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.

DRAFT

8/15/2022

**Not approved by
the Judicial Council**

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

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.



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-250, *Proof of Service by Mail* (blank form)
- h. CH-800, *Receipt for Firearms, Firearm Parts, and Ammunition* (blank form)
- i. 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

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8/15/2022
**Not approved by
the Judicial Council**

1 Petitioner

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 email.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email 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:

3 To the Restrained Person:

If a judge has ordered you to turn in, sell, or store your firearms (guns), firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531), and ammunition, use this form to prove to the judge that you have obeyed their orders. Take this form to law enforcement officer or a licensed gun dealer to complete item 4 or 5. For more information on how to properly turn in your items, read form CH-800-INFO, How Do I Turn In, Sell, or Store My Firearms, Firearm Parts, and Ammunition?

4 To Law Enforcement

(Complete the section below. Keep a copy and give the original to the person in 2.)

Name of Law Enforcement Agency: _____

Name of Law Enforcement Agent: _____

Address: _____

Telephone: _____ Email Address: _____

Items Surrendered

a. Firearms, firearm parts, and ammunition transferred on:

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

b. List of items (List all the items surrendered by the person in 2. You may attach a separate form from your agency (e.g., a property report), use item 6, or both. Check below if you have attached a separate form):

Separate form is attached. (If it does not include all surrendered items, list additional items in item 6.)

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

(Complete the section below. Keep a copy and give the original to the person in ②.)

Name of Licensed Gun Dealer: _____
 License number: _____
 Address: _____
 Telephone: _____ Email Address: _____

Items Stored or Sold

a. Firearms, firearm parts, and ammunition transferred on:

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

b. List of items *(List all the items surrendered by the person in ②. You may attach a separate form (e.g., Department of Justice’s Report of Firearms Acquisition) or you may use item ⑥. Check below if you have attached a separate form):*

Separate form is attached. *(If it does not include all surrendered items, list additional items in item ⑥.)*

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 List of Items Surrendered

Firearms and firearm parts	Make	Model	Serial Number, if there is one	Sold	Stored	To be destroyed
(1)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(5)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(6)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Ammunition	Brand	Type	Amount	Sold	Stored	To be destroyed
(1)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(5)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(6)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Check here if there is not enough space above for your answer. Use a separate sheet of paper to list other items. Write “CH-800, item 6” at the top, and attach it to this form.

7 To the Restrained Person:

Besides the items listed on page 2 or in an attached form, do you have or own any other firearms (guns), firearm parts, or ammunition?

No

Yes (If yes, check one of the boxes below:)

a. I filed a Receipt of Firearms, Firearm Parts, and Ammunition (form CH-800) or other proof for those items with the court on (date): _____

b. I am filing the proof for those firearms (guns), firearm parts, or ammunition along with this proof.

c. I have not yet filed the proof for the other firearms (guns), firearm parts, or ammunition. (Explain why not):

Your 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

Your Next Steps

- After the form is complete, make two additional copies. Take the copies and original to the court clerk to file.
- Keep a copy for yourself.

Note that failure to file a receipt with the court is a violation of the court's order.

What items do I need to turn in, sell, or store?

You must turn in, sell, or store all of the following prohibited items that you have or control:

- Firearms, including any handgun, rifle, shotgun, and assault weapon;
- Firearm parts, including any receiver, frame or unfinished receiver or frame (also called “ghost guns”); and
- Ammunition, also called ammo, including bullets, shells, cartridges, and clips.

How do I properly turn in, sell, or store the prohibited items?

You must take them to:

- Law enforcement, who will accept all prohibited items and may store them or destroy them;

OR

- A licensed gun dealer, who can buy or store firearms. If you have firearm parts or ammunition, call ahead for more information.

When do I have to turn in, sell, or store the prohibited items?

Immediately if law enforcement asks you for the items. Otherwise, within 24 hours.

Who can I turn in, sell, or store the prohibited items with?

Only law enforcement or a licensed gun dealer. You cannot give your prohibited items to a family member, friend, or anyone else.

Where can I sell the prohibited items?

At a licensed gun dealer in your area. You can search the internet for “Gun Dealers” or “Firearms Dealers” to find one. Make sure the dealer is licensed.

Do I have to pay a fee to store prohibited items?

You may have to pay a fee. Contact your local law enforcement agency or a licensed gun dealer about fees and whether they have space to store your items.

How do I turn in the prohibited items to law enforcement?

Call your local law enforcement agency to ask about their procedures. Unload your firearms and take a copy of the court order with you.

Do not bring firearms to court.

If I turn in the prohibited items to law enforcement, how long will they keep them?

It depends. There are procedures for getting your firearms back after the restraining order has expired. Ask the law enforcement agency for more information.

After I turn in the prohibited items to law enforcement, can I change my mind?

Yes. You are allowed to sell firearms and ammunition to a licensed gun dealer. To do this, the 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 items that you are selling.

Do I have to prove that I have turned in, sold, or stored the prohibited items?

Yes. Within 48 hours you must file a receipt with the court showing that you have surrendered the prohibited items to a law enforcement agency or sold them to or stored them with a licensed gun dealer. You may use [Receipt for Firearms, Firearm Parts, and Ammunition \(form CH-800\)](#) for this purpose.

Additional Questions?

Contact an attorney for legal advice. Call your local law enforcement agency, for example, your city police or county sheriff for their procedures.

Information about prohibited items and how to obey these orders is also available online.

<https://selfhelp.courts.ca.gov/respond-to-CH-restraining-order/obey-firearms-orders>.

For help in your area, contact:

[Local information may be inserted.]

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.

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the Judicial Council**

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: _____

c. Petitioner's Address (If the petitioner has a lawyer, give the 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

Court fills in case number when form is filed.

Case Number:

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.



- 4 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*):

	Kind of Case	Filed in (County/State)	Year Filed	Case Number (if known)
(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"/> Elder or Dependent Adult Abuse	_____	_____	_____
(7)	<input type="checkbox"/> Eviction	_____	_____	_____
(8)	<input type="checkbox"/> Guardianship	_____	_____	_____
(9)	<input type="checkbox"/> Workplace Violence	_____	_____	_____
(10)	<input type="checkbox"/> Small Claims	_____	_____	_____
(11)	<input type="checkbox"/> Criminal	_____	_____	_____
(12)	<input type="checkbox"/> Other (<i>specify</i>): _____	_____	_____	_____

- b. Are any restraining orders or criminal protective orders now 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.



- 8 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*):
 the student. the respondent. 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 against the person.
- c. Follow or stalk the person during school hours or to or from the school campus or facility.
- d. Contact the person, either 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.



- 10 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 on Attachment 10b.

11 **Firearm (Guns), Firearm Parts, and Ammunition**

Does the respondent own or possess any firearms (guns), firearm parts (any receiver, frame or unfinished receiver or frame as defined in Penal Code section 16531), or ammunition?

- 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 firearms (guns), firearm parts, and ammunition while the protective order is in effect. The will also be ordered to turn in to law enforcement, or sell to or store with a licensed gun dealer, any firearms (guns), firearm parts, and ammunition within his or her immediate possession or control.

12 **Temporary Restraining Order**

I request that a Temporary Restraining Order (TRO) be issued against the Respondent to last until the hearing. I am presenting form SV-110, *Temporary Restraining Order*, for the court's signature together with this Petition.

Has the Respondent been told that you were going to go to court to seek a TRO against him/her?

- Yes No (If you answered no, explain why below):

Reasons are stated in Attachment 12.

13 **Request for Less Than Five Days' Notice of Hearing**

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:

Reasons are stated in Attachment 13.

This is not a Court Order.



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.

15 **No Fee to Serve Orders**

I ask the court to order the sheriff or marshal to serve the respondent with the others 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 the 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 any firearms (guns), firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531), or ammunition

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

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? \(form CH-100-INFO\)](#).

Who can be protected under this law?

Under this statute, the school officer can obtain a court order on behalf of a student 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 is available. You can also use form INT-300, *Request for Interpreter (Civil)*, or a local court form or website to request an interpreter. For more information about court interpreters, go to www.courts.ca.gov/selfhelp-interpreter.htm.
9. Have the respondent personally **served** with copies of the **Petition** (form SV-100), the *Notice of Court Hearing* (form SV-109), the **TRO** (form SV-110) (if issued), a blank **Response** (form SV-120), and a blank *Proof of Service of Response by Mail* (form SV-250). You **cannot** serve the respondent yourself. Service may be made by a licensed process server, the sheriff's department, or any person 18 years of age or older, other than you, the student, or anyone to be protected by the order. For help with service, ask the court clerk for form [SV-200-INFO, What Is "Proof of Personal Service"?](#)

Service is essential. It tells the respondent about the order and the hearing. Without it, there cannot be a court hearing, and your temporary orders will no longer be good unless they are extended by the court. The respondent should be personally served immediately after the orders are signed by the judge, unless the court specifies a different time for service.
10. After the respondent has been personally **served**, the person who served the respondent must complete and sign the original [Proof of Personal Service \(form SV-200\)](#). Take the signed original and copies back to the court clerk. The clerk will file the original and return "file-stamped" copies to you. Ask the clerk whether you should take a file-stamped copy to each law enforcement agency that might be called on to enforce the order. If so, do so immediately.

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JUDICIAL COUNCIL

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-260, *Proof of Service of Order After Hearing by Mail*. If the respondent did not attend the hearing and the **Order** differs from the TRO, arrange to have 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.

What if I have a disability?

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

For help in your area, contact:

[Local information may be inserted.]

Information about the process is also available online.

<https://selfhelp.courts.ca.gov/SV-restraining-order>

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:

<div style="border: 1px solid black; border-radius: 50%; 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 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 turn in to law enforcement, or sell to or store with a licensed gun dealer, any firearms (guns), firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531), or ammunition 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 *Disability Accommodation Request* (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.

DRAFT
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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 (Educational Institution Officer or Employee)

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

2 Student (Protected Person)

Full Name:

3 Respondent (Restrained Person)

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

*Full Name: *Age: Date of Birth:
*Race: Height: Weight: Hair Color: Eye Color:
*Gender: M F Nonbinary Home Address:
City: State: Zip:
Relationship to Protected Person:

4 Additional Protected Persons

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

Table with columns: Full Name, Gender, Age, Household Member?, Relation to Student. Includes Yes/No checkboxes for household member status.

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 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 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** 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, either directly or indirectly, in **any** way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by email, by fax, or by other electronic means.
- (5) Enter the person’s school.
- (6) Take any action to obtain the person’s address or locations. If this item is not checked, the court has found good cause not to make this order.
- (7) Other (*specify*):
 Other personal conduct orders are attached at the end of this Order on Attachment 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 Firearms (Guns), Firearm Parts, or Ammunition

- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get any prohibited items listed in b.
- b. **Prohibited items are:**
 - (1) Firearms (guns);
 - (2) Firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531) and;
 - (3) Ammunition.
- c. You must:
 - (1) Sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, all prohibited items 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 all your prohibited items have been turned in, sold, or stored. (You may use *Receipt for Firearms, Firearm Parts, and Ammunition* (form SV-800) for the receipt.)
- d. The court has received information that you own or possess a firearm (gun), firearm parts, or ammunition.

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 Person in 1:

10 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 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.

This is a Court Order.



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.

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

Date: _____

*Judicial Officer***Warnings and Notices to the Restrained Person in 3****You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition**

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get any prohibited items listed in item 8b on page 3 while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any prohibited items 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, or to find out the duration of the order, contact the clerk of the court.

This is a Court Order.

After You Have Been Served With a Restraining Order

- Obey all the orders. Any intentional violation of this Order is a misdemeanor punishable by a fine or by imprisonment in a county jail, or by both fine and imprisonment. (Pen. Code, § 273.6.)
- 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 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.

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). Agencies are encouraged to enter violation messages into 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.

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).)

This is a Court Order.



Conflicting Orders—Priorities for Enforcement

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

1. *Emergency Protective Order (EPO)*: If one of the orders is an *Emergency Protective Order* (form EPO-001), provisions (e.g., stay-away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must be enforced.
2. *No-Contact Order*: If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. Item 6a(4) is an example of a no-contact order.
3. *Criminal Protective Order (CPO)*: If none of the orders include an EPO or a no-contact order, the most recent CPO must be enforced. (Fam. Code, §§ 6383(h)(2) and 6405(b).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Pen. Code, § 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must be enforced.
4. *Civil Restraining Orders*: If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment) then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must be enforced.

(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.

Response to Petition for Private Postsecondary School Violence Restraining Orders

Clerk stamps date here when form is filed.

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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.

(Specify why you disagree in item 11 on page 3.)

c. I agree to the following orders (specify below or in item 11 on page 3):

5 Stay-Away Orders

a. I agree to the orders requested.

b. I do not agree to the orders requested. (Specify why you disagree in item 11 on page 3.)

c. I agree to the following orders (specify below or in item 11 on page 3):



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 (Guns), Firearm Parts, and Ammunition**

If you were served with form SV-110, *Temporary Restraining Order*, you cannot own or possess any firearms (guns), firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531), or ammunition. (See item **(8)** of form SV-110.) You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any of those items in your immediate possession or control within 24 hours of being served with form SV-110. You must file a receipt with the court. You may use *Receipt for Firearms, Firearm Parts, and Ammunition (form SV-800)* for the receipt.

- a. I do not own or control any firearms (guns), firearm parts, or ammunition.
- b. I ask for an exemption from the firearms prohibition under Code of Civil Procedure section 527.9(f) because carrying a firearm is a condition of my employment, and my employer is unable to reassign me to another position where a firearm is unnecessary. (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 7b—Firearms Surrender Exemption" as a title. You may use form MC-025, Attachment.

- c. I have turned in my firearms (guns), firearm parts, and ammunition to the police or sold them to or stored them with 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. (Specify why you disagree in item **(11)** on page 3.)
- c. I agree to the following orders (specify below or in item **(11)** on page 3):

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 "Attachment 10—Justification or Excuse" as a title. You may use form MC-025, Attachment.

Lined writing area for section 10.

11 **Reasons I Do Not Agree to the Orders Requested**

Explain your answers to each order requested that you do not agree with.

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 11—Reasons I Disagree" as a title. You may use form MC-025, Attachment.

Lined writing area for section 11.



12 **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.*)

13 **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 and write "Attachment 13—Costs" for a title. You may use form MC-025, Attachment.*
- 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.

14 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 private postsecondary school violence restraining order?

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

What does the order do?

The court can order you to:

- Not contact 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 firearms (guns), firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531), or ammunition as long as the order is in effect

For more information about the items you would not be allowed to have, please see <https://selfhelp.courts.ca.gov/restraining-orders/prohibited-items>.

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 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/forms. You also may be able to find them at your local courthouse or county law library.

What if I don't obey the order?

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

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

Yes. Have someone age 18 or older—**not you**—mail a copy of completed form SV-120 to the person named in item ① of the petition form SV-110 (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: _____

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

② **Student in Need of Protection**
 Full Name: _____
Fill in case number:
 Case Number: _____

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

The court will complete the rest of this form.

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

Name and address of court if different from above:

Hearing Date: _____ Date: _____ Time: _____
 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.)



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 that person's attorney says that you can.

Can I bring a witness to the court hearing?

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

Information about the process is also available online.

<https://selfhelp.courts.ca.gov/SV-restraining-order>.

For help in your area, contact:

[Local information may be inserted.]

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8/17/2022

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the Judicial Council**

What if I don't speak English?

When you file your papers, ask the clerk if a court interpreter is available. You can also use form [INT-300, Request for Interpreter \(Civil\)](#), or a local court form or website to request an interpreter. For more information about court interpreters, go to www.courts.ca.gov/selfhelp-interpreter.htm.

What if I have a gun?

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

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

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

What if I have a disability?

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

Private Postsecondary School Violence Restraining Order After Hearing

Clerk stamps date here when form is filed.

DRAFT

08/17/2022

Not approved by the Judicial Council

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 (Educational Institution Officer or Employee)

a. Name: Lawyer for Petitioner (if any, for this case) Name: State Bar No.: Firm Name:

b. Your Address (If you have a lawyer, give your lawyer's information.) Address: City: State: Zip: Telephone: Fax: Email Address:

2 Student (Protected Person)

Full Name:

3 Respondent (Restrained Person)

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

*Full Name: *Age: Date of Birth: *Race: Height: Weight: Hair Color: Eye Color: *Gender: M F Nonbinary Home Address: City: State: Zip: Relationship to Protected Person:

4 Additional Protected Persons

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

Table with 5 columns: Full Name, Gender, Age, Household Member?, Relation to student. Includes Yes/No checkboxes for household member status.

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

5 Expiration Date

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

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

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

This is a Court Order.



6 Hearing

- a. There was a hearing on *(date)*: _____ at *(time)*: _____ in Dept.: _____ Room: _____
(Name of judicial officer): _____ made the orders at the hearing.
- b. These people were at the hearing:
 - (1) The petitioner/school representative *(name)*: _____
 - (2) The lawyer for the petitioner/school *(name)*: _____
 - (3) The student (4) The lawyer for the student *(name)*: _____
 - (5) The respondent (6) The lawyer for the respondent *(name)*: _____
 - Additional persons present are listed at the end of this Order on Attachment 6b.
- c. The hearing is continued. The parties must return to court on *(date)*: _____ at *(time)*: _____.

To the Respondent:

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

7 Personal Conduct Orders

- a. You are ordered **not** 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, either directly or indirectly, in **any** way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by email, by text message, by fax, or by other electronic means.
 - (5) Enter the person’s school.
 - (6) Take any action to obtain the person’s address or locations. If this item is not checked, the court has found good cause not to make this order.
 - (7) Other *(specify)*:
 Other personal conduct orders are attached at the end of this Order on Attachment 7a(7).

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

This is a Court Order.



8 Stay-Away Orders

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

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

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

- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get any prohibited items listed below in b.
- b. **Prohibited items are:**
- (1) Firearms (guns);
 - (2) Firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531) and;
 - (3) Ammunition.
- c. If you have not already done so, you must:
- Within 24 hours of being served with this Order, sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, all prohibited items in your custody or control or that you possess or own.
 - File a receipt with the court within 48 hours of receiving this Order that proves that all your prohibited items have been turned in, sold, or stored. (You may use *Receipt for Firearms, Firearm Parts, and Ammunition* (form SV-800) for the receipt.)
- d. The court has received information that you own or possess a firearm (gun), firearm parts, or ammunition.
- e. The court has made the necessary findings and applies the firearm relinquishment exemption under Code of Civil Procedure section 527.9(f). Under California law, the person in **3** is not required to relinquish this firearm *(specify make, model, and serial number of firearm(s))*: _____

The firearm must be in his or her physical possession only during scheduled work hours and during travel to and from his or her place of employment. Even if exempt under California law, the person in **3** may be subject to federal prosecution for possessing or controlling a firearm.

This is a Court Order.



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 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.

To the Person in 1:

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 respondent 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.

This is a Court Order.



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: _____

Date: _____

Judicial Officer

Warning and Notice to the Respondent:**You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition**

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

Instructions for Law Enforcement**Enforcing the Restraining Order**

This Order is enforceable by any law enforcement agency that has received the Order, is shown a copy of the Order, or has verified its existence on the California Restraining and Protective Order System (CARPOS). Agencies are encouraged to enter violation messages into CARPOS. If the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing, 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.

If the Protected Person Contacts the Restrained Person

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

This is a Court Order.

Conflicting Orders—Priorities for Enforcement

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

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

Clerk's Certificate
[seal]

(Clerk will fill out this part.)
—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.

DRAFT

8/17/2022

**Not approved by
the Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

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-250, *Proof of Service by Mail* (blank form)**
- h. SV-800, *Receipt for Firearms, Firearm Parts, and Ammunition* (blank form)
- i. 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

DRAFT
8/15/2022
**Not approved by
the Judicial Council**

1 **Petitioner (Educational Institution Officer or Employee)**
Name: _____

2 **Student in Need of Protection**
Full Name: _____

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

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

Name: _____ State Bar No.: _____

Firm Name: _____

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:

4 To the Respondent:

If a judge has ordered you to turn in, sell, or store your firearms (guns), firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531), and ammunition, use this form to prove to the judge that you have obeyed their orders. Take this form to law enforcement officer or a licensed gun dealer to complete item 5 or 6. For more information on how to properly turn in your items, read form SV-800-INFO, *How Do I Turn In, Sell, or Store My Firearms, Firearm Parts, and Ammunition?*

5 To Law Enforcement

(Complete the section below. Keep a copy and give the original to the person in 3.)

Name of Law Enforcement Agency: _____

Name of Law Enforcement Agent: _____

Address: _____

Telephone: _____ Email Address: _____

Items Surrendered

a. Firearms, firearm parts, and ammunition transferred on:

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

b. List of items (List all the items surrendered by the person in 3. You may attach a separate form from your agency (e.g., a property report), use item 7, or both. Check below if you have attached a separate form):

Separate form is attached. (If it does not include all surrendered items, list additional items in item 7.)

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 _____



6

To Licensed Gun Dealer

(Complete the section below. Keep a copy and give the original to the person in ③.)

Name of Licensed Gun Dealer: _____

License number: _____

Address: _____

Telephone: _____ Email Address: _____

Items Stored or Sold

a. Firearms, firearm parts, and ammunition transferred on:

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

b. List of items *(List all the items surrendered by the person in ③. You may attach a separate form (e.g., Department of Justice’s Report of Firearms Acquisition) or you may use item ⑦. Check below if you have attached a separate form):*

Separate form is attached. *(If it does not include all surrendered items, list additional items in item ⑦.)*

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 _____

7

List of Items Surrendered

Firearms and firearm parts

	Make	Model	Serial Number, if there is one	Sold	Stored	To be destroyed
(1)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(5)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(6)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Ammunition

	Brand	Type	Amount	Sold	Stored	To be destroyed
(1)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(5)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(6)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Check here if there is not enough space above for your answer. Use a separate sheet of paper to list other items. Write “SV-800, item 7” at the top, and attach it to this form.

7 To the Restrained Person:

Besides the items listed on page 2 or in an attached form, do you have or own any other firearms (guns), firearm parts, or ammunition?

No

Yes (If yes, check one of the boxes below:)

I filed a Receipt of Firearms, Firearm Parts, and Ammunition (form SV-800) or other proof for those items with the court on (date):

I am filing the proof for those firearms (guns), firearm parts, or ammunition along with this proof.

I have not yet filed the proof for the other firearms (guns), firearm parts, or ammunition. (Explain why not):

Blank lines for explaining why not.

Your 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

Your Next Steps

- After the form is complete, make two additional copies. Take the copies and original to the court clerk to file.
Keep a copy for yourself.

Note that failure to file a receipt with the court is a violation of the court's order.

What items do I need to turn in, sell, or store?

You must turn in, sell, or store all of the following prohibited items that you have or control:

- Firearms, including any handgun, rifle, shotgun, and assault weapon;
- Firearm parts, including any receiver, frame or unfinished receiver or frame (also called “ghost guns”); and
- Ammunition, also called ammo, including bullets, shells, cartridges, and clips.

How do I properly turn in, sell, or store the prohibited items?

You must take them to:

- Law enforcement, who will accept all prohibited items and may store them or destroy them;

OR

- A licensed gun dealer, who can buy or store firearms. If you have firearms parts or ammunition, call ahead for more information.

When do I have to turn in, sell, or store the prohibited items?

Immediately if law enforcement asks you for the items. Otherwise, within 24 hours.

Who can I turn in, sell, or store the prohibited items with?

Only law enforcement or a licensed gun dealer. You cannot give your prohibited items to a family member, friend, or anyone else.

Where can I sell the prohibited items?

At a licensed gun dealer in your area. You can search the internet for “Gun Dealers” or “Firearms Dealers” to find one. Make sure the dealer is licensed.

Do I have to pay a fee to store prohibited items?

You may have to pay a fee. Contact your local law enforcement agency or a licensed gun dealer about fees and whether they have space to store your items.

How do I turn in the prohibited items to law enforcement?

Call your local law enforcement agency to ask about their procedures. Unload your firearms and take a copy of the court order with you.

Do not bring firearms to court.

If I turn in the prohibited items to law enforcement, how long will they keep them?

It depends. There are procedures for getting your firearms back after the restraining order has expired. Ask the law enforcement agency for more information.

After I turn in the prohibited items to law enforcement, can I change my mind?

Yes. You are allowed to sell firearms and ammunition to a licensed gun dealer. To do this, the 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 items that you are selling.

Do I have to prove that I have turned in, sold, or stored the prohibited items?

Yes. Within 48 hours you must file a receipt with the court showing that you have surrendered the prohibited items to a law enforcement agency or sold them to or stored them with a licensed gun dealer. You may use [Receipt for Firearms, Firearm Parts, and Ammunition \(form SV-800\)](#) for this purpose.

Additional Questions?

Contact an attorney for legal advice. Call your local law enforcement agency, for example, your city police or county sheriff for their procedures.

Information about prohibited items and how to obey these orders is also available online.

<https://selfhelp.courts.ca.gov/respond-to-SV-restraining-order/obey-firearms-orders>.

For help in your area, contact:

[Local information may be inserted.]

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.

DRAFT
8/17/2022
**Not approved by
the Judicial Council**

1 Petitioner (Employer)

a. Name: _____

is a corporation sole proprietorship

(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: _____

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 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):

Full Name	Sex	Age	Household Member?	Relationship to Employee
_____	_____	_____	<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.



4 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 the 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 any restraining orders or criminal protective orders now 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.



8 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):

the employee the respondent 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, either 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 workplace.
f. Other (specify):
 As stated in Attachment 9f.

Four horizontal lines for specifying other actions in section 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. (8) The employee's vehicle.
(2) The other persons listed in 4. (9) Other (specify):
(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.

Three horizontal lines for specifying other locations in section 10a(9).

This is not a Court Order.



- 10 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 on Attachment 10b.

11 **Firearm (Guns), Firearm Parts, and Ammunition**

Does the respondent own or possess any firearms (guns), firearm parts (any receiver, frame or unfinished receiver or frame as defined in Penal Code section 16531), or ammunition?

- 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 firearms (guns), firearm parts, and ammunition while the protective order is in effect. The will also be ordered to turn in to law enforcement, or sell to or store with a licensed gun dealer, any firearms (guns), firearm parts, and ammunition within his or her immediate possession or control.

12 **Temporary Restraining Order**

I request that a Temporary Restraining Order (TRO) be issued against the Respondent to last until the hearing. I am presenting form WV-110, *Temporary Restraining Order*, for the court's signature together with this Petition.

Has the Respondent been told that you were going to go to court to seek a TRO against him/her?

- Yes No (If you answered no, explain why below):

Reasons are stated in Attachment 12.

13 **Request for Less Than Five Days' Notice of Hearing**

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:

Reasons are stated in Attachment 13.

This is not a Court Order.



14 **No Fee for Filing**

I ask that there be no filing fee because the respondent has 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.

15 **No Fee to Serve Orders**

I ask the court to order the sheriff or marshal to serve the respondent with the others 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

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 any firearms (guns), firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531), or ammunition

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

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/forms. 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 is available. You can also use form [INT-300, Request for Interpreter \(Civil\)](#), or a local court form or website to request an interpreter. For more information about court interpreters, go to www.courts.ca.gov/selfhelp-interpreter.htm.
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.

DRAFT

8/17/2022

**Not approved by
the Judicial Council**



WV-100-INFO How Do I Get an Order to Prohibit Workplace Violence?

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-260, Proof of Service of Order After Hearing by Mail.](#) If the respondent did not attend the hearing and the **Order** differs from the TRO, arrange to have 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: _____

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

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 DOJ

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.

What if I have a disability?

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

Information about the process is also available online.

<https://selfhelp.courts.ca.gov/WV-restraining-order>.

For help in your area, contact:

[Local information may be inserted.]

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:

<div style="border: 1px solid black; border-radius: 50%; 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 turn in to law enforcement, or sell to or store with a licensed gun dealer, any firearms (guns), firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531), or ammunition 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 *Disability Accommodation Request* (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.

DRAFT

08/17/2022

**Not approved by
the Judicial Council**

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. Your Address (If you have a lawyer, give your lawyer's information.):
Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____
Email Address: _____

2 Employee (Protected Person)

Full Name: _____

3 Respondent (Restrained Person)

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

*Full Name: _____ *Age: _____ Date of Birth: _____
*Race: _____ Height: _____ Weight: _____ Hair Color: _____ Eye Color: _____
*Gender: M F Nonbinary Home Address: _____
City: _____ State: _____ Zip: _____
Relationship to Protected Person: _____

4 Additional Protected Persons

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

Full Name	Gender	Age	Household Member?	Relation to Employee
_____	_____	_____	<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** 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, either directly or indirectly, in **any** way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by email, by fax, or by other electronic means.
- (5) Enter the workplace of the person.
- (6) Take any action to obtain the person's address or locations. If this item is not checked, the court has found good cause not to make this order.
- (7) Other (*specify*):
 Other personal conduct orders are attached at the end of this Order on Attachment 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 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.

This is a Court Order.



8 No Firearms (Guns), Firearm Parts, or Ammunition

- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get any prohibited items listed in b.
b. Prohibited items are:
(1) Firearms (guns);
(2) Firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531) and;
(3) Ammunition.
c. You must:
(1) Sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, all prohibited items 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 all your prohibited items have been turned in, sold, or stored. (You may use Receipt for Firearms, Firearm Parts, and Ammunition (form WV-800) for the receipt.)
d. [] The court has received information that you own or possess a firearm (gun), firearm parts, or ammunition.

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 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 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 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.

This is a Court Order.



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.

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

Date: _____

Judicial Officer

Warnings and Notices to the Restrained Person in 3

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

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get any prohibited items listed in item 8b on page 3 while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any prohibited items 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, or to find out the duration of the order, contact the clerk of the court.

This is a Court Order.



After You Have Been Served With a Restraining Order

- Obey all the orders. Any intentional violation of this Order is a misdemeanor punishable by a fine or by imprisonment in a county jail, or by both fine and imprisonment. (Pen. Code, § 273.6.)
- 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 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.

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). Agencies are encouraged to enter violation messages into 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.

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).)

This is a Court Order.



Conflicting Orders—Priorities for Enforcement

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

1. **Emergency Protective Order (EPO):** If one of the orders is an *Emergency Protective Order* (form EPO-001), provisions (e.g., stay-away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must be enforced.
2. **No-Contact Order:** If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. Item 6a(4) is an example of a no-contact order.
3. **Criminal Protective Order (CPO):** If none of the orders include an EPO or a no-contact order, the most recent CPO must be enforced. (Fam. Code, §§ 6383(h)(2) and 6405(b).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Pen. Code, § 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must be enforced.
4. **Civil Restraining Orders:** If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment) then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must be enforced.

(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.

Clerk stamps date here when form is filed.

DRAFT

8/17/2022

Not approved by the Judicial Council

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—**not you**—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. (*Specify why you disagree in item **11** on page 3.*)
- c. I agree to the following orders (*specify below or in item **11** on page 3*):

5 Stay-Away Orders

- a. I agree to the orders requested.
- b. I do not agree to the orders requested. (*Specify why you disagree in item **11** on page 3.*)
- c. I agree to the following orders (*specify below or in item **11** on page 3*):



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 (Guns), Firearm Parts, and Ammunition**

If you were served with form WV-110, *Temporary Restraining Order*, you cannot own or possess any firearms (guns), firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531), or ammunition. (See item 8 of form WV-110.) You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any of those items in your immediate possession or control within 24 hours of being served with form WV-110. You must file a receipt with the court. You may use *Receipt for Firearms, Firearm Parts, and Ammunition (form WV-800)* for the receipt.

- a. I do not own or control any firearms (guns), firearm parts, or ammunition.
- b. I ask for an exemption from the firearms prohibition under Code of Civil Procedure section 527.9(f) because carrying a firearm is a condition of my employment, and my employer is unable to reassign me to another position where a firearm is unnecessary. (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 7b—Firearms Surrender Exemption" as a title. You may use form MC-025, Attachment.

- c. I have turned in my firearms (guns), firearm parts, and ammunition to the police or sold them to or stored them with 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. (Specify why you disagree in item 11 on page 3.)
- c. I agree to the following orders (specify below or in item 11 on page 3):

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 “Attachment 10—Justification or Excuse” as a title. You may use form MC-025, Attachment.

Lined area for writing justification or excuse.

11 **Reasons I Do Not Agree to the Orders Requested**

Explain your answers to each order requested that you do not agree with.

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 11—Reasons I Disagree” as a title. You may use form MC-025, Attachment.

Lined area for writing reasons for disagreement.



12 **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.*)

13 **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 and write "Attachment 13—Costs" for a title. You may use form MC-025, Attachment.

- 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.

14 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 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 firearms (guns), firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531), or ammunition as long as the order is in effect

For more information about the items you would not be allowed to have, please see <https://selfhelp.courts.ca.gov/restraining-orders/prohibited-items>.

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 private workplace violence restraining orders. What do I do now?

What do I do now?

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

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

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

What if I don't obey the order?

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

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

Yes. Have someone age 18 or older—**not you**—mail a copy of completed form WV-120 to the person named in item ① of the petition form WV-110 (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: _____

② **Employee in Need of Protection**
 Full Name: _____

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

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: _____

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 that person's attorney says that you can.

Can I bring a witness to the court hearing?

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

Information about the process is also available online.

<https://selfhelp.courts.ca.gov/WV-restraining-order>.

For help in your area, contact:

[Local information may be inserted.]

What if I don't speak English?

When you file your papers, ask the clerk if a court interpreter is available. You can also use form [INT-300, Request for Interpreter \(Civil\)](#), or a local court form or website to request an interpreter. For more information about court interpreters, go to www.courts.ca.gov/selfhelp-interpreter.htm.

What if I have a gun?

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

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

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

What if I have a disability?

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

DRAFT

8/17/2022

**Not approved by
the Judicial Council**

Clerk stamps date here when form is filed.

DRAFT

08/17/2022

Not approved by the Judicial Council

1 Petitioner (Employer)

a. Name: _____

Lawyer for Petitioner (if any, for this case)

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (If you have a lawyer, give your lawyer's information.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

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 Employee (Protected Person)

Full Name: _____

3 Respondent (Restrained Person)

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

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

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

*Gender: M F Nonbinary Home Address: _____

City: _____ State: _____ Zip: _____

Relationship to Protected Person: _____

4 Additional Protected Persons

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

Full Name	Gender	Age	Household Member?	Relation to employee
_____	_____	_____	<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, except for any award of lawyer's fees, expires at

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

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

This is a Court Order.



6 Hearing

- a. There was a hearing on *(date)*: _____ at *(time)*: _____ in Dept.: _____ Room: _____
(Name of judicial officer): _____ made the orders at the hearing.
- b. These people were at the hearing:
 - (1) The petitioner/employer *(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 6b.
- c. The hearing is continued. The parties must return to court on *(date)*: _____ at *(time)*: _____.

To the Respondent:

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

7 Personal Conduct Orders

- a. You are ordered **not** 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, either directly or indirectly, in **any** way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by email, by text message, by fax, or by other electronic means.
 - (5) Enter the person’s workplace.
 - (6) Take any action to obtain the person’s address or locations. If this item is not checked, the court has found good cause not to make this order.
 - (7) Other *(specify)*:
 Other personal conduct orders are attached at the end of this Order on Attachment 7a(7).

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

This is a Court Order.



8 Stay-Away Orders

- a. You **must** stay at least _____ yards away from (*check all that apply*):
- (1) The 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 Firearms (Guns), Firearm Parts, or Ammunition

- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get any prohibited items listed below in b.
- b. **Prohibited items are:**
- (1) Firearms (guns);
 - (2) Firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531) and;
 - (3) Ammunition.
- c. If you have not already done so, you must:
- Within 24 hours of being served with this Order, sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, all prohibited items in your custody or control or that you possess or own.
 - File a receipt with the court within 48 hours of receiving this Order that proves that all your prohibited items have been turned in, sold, or stored. (You may use *Receipt for Firearms, Firearm Parts, and Ammunition* (form WV-800) for the receipt.)
- d. The court has received information that you own or possess a firearm (gun), firearm parts, or ammunition.
- e. The court has made the necessary findings and applies the firearm relinquishment exemption under Code of Civil Procedure section 527.9(f). Under California law, the person in ③ is not required to relinquish this firearm (*specify make, model, and serial number of firearm(s)*): _____

The firearm must be in his or her physical possession only during scheduled work hours and during travel to and from his or her place of employment. Even if exempt under California law, the person in ③ may be subject to federal prosecution for possessing or controlling a firearm.

This is a Court Order.



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 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.

To the Person in 1:

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 respondent 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 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.

This is a Court Order.



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: _____

Date: _____

Judicial Officer

Warning and Notice to the Respondent:
You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition

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

Instructions for Law Enforcement
Enforcing the Restraining Order

This Order is enforceable by any law enforcement agency that has received the Order, is shown a copy of the Order, or has verified its existence on the California Restraining and Protective Order System (CARPOS). Agencies are encouraged to enter violation messages into CARPOS. If the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing, 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.

If the Protected Person Contacts the Restrained Person

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

This is a Court Order.


Conflicting Orders—Priorities for Enforcement

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

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

Clerk's Certificate
[seal]

(Clerk will fill out this part.)
—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.

DRAFT

8/17/2022

**Not approved by
the Judicial Council**

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

Court fills in case number when form is filed.

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-250, *Proof of Service by Mail* (blank form)**
- h. WV-800, *Receipt for Firearms, Firearm Parts, and Ammunition* (blank form)
- i. 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

1 Petitioner (Employer)

Name: _____

2 Employee in Need of Protection

Full Name: _____

3 Respondent (Person From Whom Protection Is Sought)

Your Name: _____

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

Name: _____ State Bar No.: _____

Firm Name: _____

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: _____

DRAFT**8/15/2022****Not approved by
the Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:**4 To the Respondent:**

If a judge has ordered you to turn in, sell, or store your firearms (guns), firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531), and ammunition, use this form to prove to the judge that you have obeyed their orders. Take this form to law enforcement officer or a licensed gun dealer to complete item 5 or 6. For more information on how to properly turn in your items, read form SV-800-INFO, *How Do I Turn In, Sell, or Store My Firearms, Firearm Parts, and Ammunition?*

5 To Law Enforcement

(Complete the section below. Keep a copy and give the original to the person in 3.)

Name of Law Enforcement Agency: _____

Name of Law Enforcement Agent: _____

Address: _____

Telephone: _____ Email Address: _____

Items Surrendered**a. Firearms, firearm parts, and ammunition transferred on:**Date: _____ Time: _____ a.m. p.m.**b. List of items (List all the items surrendered by the person in 3. You may attach a separate form from your agency (e.g., a property report), use item 7, or both. Check below if you have attached a separate form):** Separate form is attached. (If it does not include all surrendered items, list additional items in item 7.)

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 _____



6

To Licensed Gun Dealer

(Complete the section below. Keep a copy and give the original to the person in ③.)

Name of Licensed Gun Dealer: _____

License number: _____

Address: _____

Telephone: _____ Email Address: _____

Items Stored or Sold

a. Firearms, firearm parts, and ammunition transferred on:

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

b. List of items *(List all the items surrendered by the person in ③. You may attach a separate form (e.g., Department of Justice’s Report of Firearms Acquisition) or you may use item ⑦. Check below if you have attached a separate form):*

Separate form is attached. *(If it does not include all surrendered items, list additional items in item ⑦.)*

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 _____

7

List of Items Surrendered

Firearms and firearm parts

	Make	Model	Serial Number, if there is one	Sold	Stored	To be destroyed
(1)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(5)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(6)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Ammunition

	Brand	Type	Amount	Sold	Stored	To be destroyed
(1)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(5)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(6)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Check here if there is not enough space above for your answer. Use a separate sheet of paper to list other items. Write “WV-800, item 7” at the top, and attach it to this form.

7 To the Restrained Person:

Besides the items listed on page 2 or in an attached form, do you have or own any other firearms (guns), firearm parts, or ammunition?

No

Yes (If yes, check one of the boxes below:)

a. I filed a **Receipt of Firearms, Firearm Parts, and Ammunition** (form WV-800) or other proof for those items with the court on (date): _____

b. I am filing the proof for those firearms (guns), firearm parts, or ammunition along with this proof.

c. I have not yet filed the proof for the other firearms (guns), firearm parts, or ammunition. (Explain why not):

Your 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

Your Next Steps

- After the form is complete, make two additional copies. Take the copies and original to the court clerk to file.
- Keep a copy for yourself.

Note that failure to file a receipt with the court is a violation of the court's order.

What items do I need to turn in, sell, or store?

You must turn in, sell, or store all of the following prohibited items that you have or control:

- Firearms, including any handgun, rifle, shotgun, and assault weapon;
- Firearm parts, including any receiver, frame or unfinished receiver or frame (also called “ghost guns”); and
- Ammunition, also called ammo, including bullets, shells, cartridges, and clips.

How do I properly turn in, sell, or store the prohibited items?

You must take them to:

- Law enforcement, who will accept all prohibited items and may store them or destroy them;

OR

- A licensed gun dealer, who can buy or store firearms. If you have firearms parts or ammunition, call ahead for more information.

When do I have to turn in, sell, or store the prohibited items?

Immediately if law enforcement asks you for the items. Otherwise, within 24 hours.

Who can I turn in, sell, or store the prohibited items with?

Only law enforcement or a licensed gun dealer. You cannot give your prohibited items to a family member, friend, or anyone else.

Where can I sell the prohibited items?

At a licensed gun dealer in your area. You can search the internet for “Gun Dealers” or “Firearms Dealers” to find one. Make sure the dealer is licensed.

Do I have to pay a fee to store prohibited items?

You may have to pay a fee. Contact your local law enforcement agency or a licensed gun dealer about fees and whether they have space to store your items.

How do I turn in the prohibited items to law enforcement?

Call your local law enforcement agency to ask about their procedures. Unload your firearms and take a copy of the court order with you.

Do not bring firearms to court.

If I turn in the prohibited items to law enforcement, how long will they keep them?

It depends. There are procedures for getting your firearms back after the restraining order has expired. Ask the law enforcement agency for more information.

After I turn in the prohibited items to law enforcement, can I change my mind?

Yes. You are allowed to sell firearms and ammunition to a licensed gun dealer. To do this, the 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 items that you are selling.

Do I have to prove that I have turned in, sold, or stored the prohibited items?

Yes. Within 48 hours you must file a receipt with the court showing that you have surrendered the prohibited items to a law enforcement agency or sold them to or stored them with a licensed gun dealer. You may use [Receipt for Firearms, Firearm Parts, and Ammunition \(form WV-800\)](#) for this purpose.

Additional Questions?

Contact an attorney for legal advice. Call your local law enforcement agency, for example, your city police or county sheriff for their procedures.

Information about prohibited items and how to obey these orders is also available online.

<https://selfhelp.courts.ca.gov/respond-to-WV-restraining-order/obey-firearms-orders>.

For help in your area, contact:

[Local information may be inserted.]

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee Meeting Date: September 22, 2022

Rules Committee action requested [Choose from drop down menu below]:
Circulate for comment (out of cycle)

Title of proposal: Protective Orders: Elder Abuse Forms Implementing Assembly Bill 1621

Proposed rules, forms, or standards (include amend/revise/adopt/approve):

Revise forms EA-100, EA-100-INFO, EA-109, EA-110, EA-120, EA-120-INFO, EA-130, EA-800, EA-800-INFO

Committee or other entity submitting the proposal:

Civil and Small Claims Advisory Committee

Staff contact (name, phone and e-mail): James Barolo, 415-865-8928, james.barolo@jud.ca.gov

Identify project(s) on the committee's annual agenda that is the basis for this item:

Annual agenda approved by Rules Committee on (date): November 2, 2021; amended November 16, 2021, March 21, 2022 and April 6, 2022

Project description from annual agenda: Develop form recommendations as appropriate. SB 538 permits parties and witnesses to appear remotely at hearings on petitions for gun violence restraining orders. AB 1057 redefines "firearms" to include certain firearm parts for the purposes of gun violence restraining orders. The current gun violence restraining order forms must be revised to conform to the new laws.

Out of Cycle: *If requesting September 1 effective date or out of cycle, explain why:*

The Legislature enacted urgency legislation effective June 30, 2022 to also include certain firearm parts for the purposes of elder or dependent adult abuse restraining orders within the definition of "firearms." Since the new law is already in effect, the form revisions are proceeding on a special comment cycle so that they can be revised as soon as possible.

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any relevant information not contained in the attached summary.)

Additional Information for JC Staff (provide with reports to be submitted to JC):

- **Form Translations** (check all that apply)

This proposal:

- includes forms that have been translated.
- includes forms or content that are required by statute to be translated. Provide the code section that mandates translation: [Click or tap here to enter text.](#)
- includes forms that staff will request be translated.

- **Form Descriptions** (for any proposal with new or revised forms)

The forms in this proposal will require new or revised form descriptions on the JC forms webpage. (If this is checked, the form descriptions should be approved by a supervisor before submitting this RAR.)

- **Self-Help Website** (check if applicable)

This proposal may require changes or additions to self-help web content.

JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue • San Francisco, California 94102-3688

www.courts.ca.gov/policyadmin-invitationstocomment.htm

INVITATION TO COMMENT SP22-10

Title

Protective Orders: Elder Abuse Forms
Implementing Assembly Bill 1621

Proposed Rules, Forms, Standards, or Statutes

Revise forms EA-100, EA-100-INFO, EA-109, EA-110, EA-120, EA-120-INFO, EA-130, EA-800, EA-800-INFO

Proposed by

Civil and Small Claims Advisory Committee
Hon. Tamara Wood, Chair

Action Requested

Review and submit comments by October 11, 2022

Proposed Effective Date

January 1, 2023

Contact

James Barolo, 415-865-8928
james.barolo@jud.ca.gov

Executive Summary and Origin

The Civil and Small Claims Advisory Committee is proposing revisions to nine Judicial Council elder or dependent adult restraining orders forms. Most of the forms in this proposal were circulated for comment between April and May 2022 to implement the statutory changes in Assembly Bill 1243 (Stats. 2021, ch. 273) and to make other updates. After the comment period closed, the Legislature enacted Assembly Bill 1621 (Stats. 2022, ch. 76), which took effect immediately on June 30, 2022. The new legislation prohibits persons restrained under elder or dependent adult restraining orders from possessing firearm parts (in addition to the already prohibited firearms). This proposal recommends additional revisions to seven previously circulated forms and recommends revisions to two forms that were not previously circulated to reflect the new law.

Background

Assembly Bill 1243

Assembly Bill 1243 (Stats. 2021, ch. 273)¹ made two substantial changes to the laws governing protective orders for elder or dependent adults. First, the law created a new cause of action where an order can be issued allowing contact between an elder or dependent adult and an individual

¹ Assembly Bill 1243 is available at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=20210220AB1243.

This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee. It is circulated for comment purposes only.

who meets certain statutory requirements. (See Welf. & Inst. Code, § 15657.03(a) & (b).) Assembly Bill 1243 also authorized courts to make specific findings about debts in elder or dependent adult abuse protective orders. Specifically, new Welfare and Institutions Code section 15657.03(b)(5)(D) provides that the court may issue “[a]fter notice and a hearing only, a finding that specific debts were incurred as the result of financial abuse of the elder or dependent adult by the respondent.” All the statutory amendments in AB 1243 take effect January 1, 2023. The form revisions to implement these changes were already circulated for comment.

Assembly Bill 1621

On June 30, 2022, the Legislature enacted Assembly Bill 1621 (Stats. 2022, ch. 76).² The law was passed as urgency legislation and took effect immediately. In addition to firearms and ammunition, AB 1621 prohibits individuals restrained under most elder or dependent adult protective orders³ from possessing or obtaining firearm parts, including completed frames and receivers and “firearm precursor parts” as defined in Penal Code section 16531(a), which was also modified by AB 1621. (Pen. Code, § 16520(b)(24) & (26).)

Prior Circulation

As noted above, a proposal with revisions to elder or dependent adult abuse protective order forms to implement the new cause of action and the new findings related to specific debts was previously circulated for comment in spring 2022.⁴ The EA-100 series forms in that proposal are being recirculated in light of the further revisions recommended to those forms to implement AB 1621.⁵

The Proposal

This proposal recommends revisions to forms in the EA-100 series and EA-800 series to include language stating that restrained individuals are not permitted to possess or obtain firearm parts (firearm precursor parts, also known as ghost guns). Such revisions are urgently needed to conform to the recent change in the law under AB 1621.⁶

² Assembly Bill 1621 is available at

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1621.

³ The prohibition on possessing firearm parts in Assembly Bill 1621 does not apply to the new cause of action for an elder or dependent adult restraining order allowing contact under AB 1243.

⁴ See *Protectives Orders: Elder Abuse Forms Implementing Assembly Bill 1243* (SPR22-21), <https://www.courts.ca.gov/documents/spr22-21.pdf>.

⁵ The EA-200 and 300 series forms circulated in the original proposal to implement the new cause of action were adopted or approved by the council at its September meeting. (See Judicial Council of Cal., Advisory Com. Rep., *Protective Orders: Elder Abuse Forms Implementing New Cause of Action Allowing Contact* (Aug. 12, 2022), <https://jcc.legistar.com/View.ashx?M=F&ID=11204348&GUID=4894916A-9337-4922-8F52-726F8020AFE.A>.)

⁶ The new revisions are highlighted in yellow while earlier revisions that have already circulated (to implement the new findings that a court may make related to specific debts and to update information about interpreters, disability and court accommodations, and the priority of enforcement among protective orders) are highlighted in gray.

Last year the Legislature enacted Assembly Bill 1057 (Stats. 2021, ch. 682),⁷ which provided that individuals restrained under gun violence or domestic violence restraining orders are not permitted to possess or obtain firearm parts. This year, AB 1621 further revised the definition of “firearm precursor part” in Penal Code section 16531(a).⁸ Proposals revising language on those types of restraining orders to add firearm parts were adopted by the council at its September 2022 meeting.⁹ For consistency, the recommended revisions in this proposal closely track the revisions to gun violence and domestic violence restraining orders related to firearm parts. The specific revisions are discussed below by form type. (The committee notes that the changes proposed are the same as proposed in the CH, WV, and SV forms in a separate invitation to comment. The committee will consider comments on any one set as applying to all unless the commenter notes otherwise.)

Petition, response, and corresponding information sheets

Both the petition, *Request for Elder or Dependent Adult Abuse Restraining Orders* (form EA-100) and the *Response to Request for Elder or Dependent Adult Abuse Restraining Orders* (form EA-120) contain questions about whether the person to be restrained owns or possesses any firearms. This proposal revises that question on each of form to also refer to “firearm parts” and includes a parenthetical plain language definition for such a term—“any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531.”

The information sheets about those forms (*Can a Restraining Order to Prevent Elder or Dependent Abuse Help Me?* (form EA-100-INFO) and *How Can I Respond to a Request for Elder or Dependent Adult Abuse Restraining Orders?* (form EA-120-INFO)) include similar additions explaining that the restraining order can prevent the subject of the restraining order from having firearms (guns), firearm parts, and ammunition. The parenthetical definition mentioned above is also included on both information sheets. In addition, the information sheets also include two new links. The first is to a dedicated California Courts Self-Help page providing additional information about the “prohibited items” a person restrained under most California restraining orders is not allowed to have. The second is a more general link that offers information about the elder or dependent adult restraining order process and provides step by step instructions on obtaining such an order.

⁷ Assembly Bill 1057 is available at https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1057.

⁸ The previous definition of “firearm precursor part” described the precursor parts as different types of unfinished receivers and frames, including a “receiver channel” and a “receiver side plate.” The new definition in AB 1621 replaced specific types of unfinished receivers with a broader reference to an “article” that may be “readily” “converted to be used as the frame or receiver.”

⁹ The committee believes that the same wording it proposed be used in the forms to implement AB 1057 is appropriate to implement AB 1621, and that language is what was approved by the council. (See Judicial Council of Cal., Advisory Com. Rep., *Protective Orders: Gun Violence Forms Implementing Statutory Amendments Permitting Remote Appearances and Modifying the Definition of Firearms* (Aug. 10, 2022), <https://jcc.legistar.com/View.ashx?M=F&ID=11205465&GUID=ACE8A41E-6217-4FC9-9B8A-E3ED80D7145F>.)

Orders

This proposal would also revise the elder or dependent adult *Temporary Restraining Order* (form EA-110) and the *Elder or Dependent Adult Abuse Restraining Order After Hearing* (form EA-130) to include a new item listing the “prohibited items,” including firearm parts. Other items in each form refer to the new item defining prohibited items rather than listing each prohibited item.¹⁰

Notice of court hearing

The elder or dependent adult abuse *Notice of Court Hearing* (form EA-109) contains a warning to the restraining order respondents that if the court issues a restraining order they will be required to turn in their firearms. This proposal revises that warning to include firearm parts with the parenthetical definition also included on the petition and the response.

Forms regarding relinquishment of prohibited items

Since most of the civil protective orders require the restrained person to relinquish their firearms and related items and to file a proof with the court verifying that they have done so, the council has adopted forms to facilitate this process. Following circulation for comment and user testing for such forms in the gun violence and domestic violence form series, the committee recommended new titles and significant reformatting. This proposal includes similar revisions to form EA-800, proposed to be retitled as *Receipt for Firearms, Firearm Parts, and Ammunition*¹¹ and form EA-800-INFO, proposed to be retitled as *How Do I Turn In, Sell, or Store My Firearms, Firearm Parts, and Ammunition?*

Such parallel revisions also include adding a check box to form EA-800 to be used by law enforcement and gun dealers to indicate that a separate form listing the items is attached. Check boxes noting whether each listed item has been “Sold,” “Stored,” or is “To be destroyed” have also been added to form EA-800. In addition, form EA-800-INFO now contains an explanation that firearms and other prohibited items may not be given to a friend or family member and clarifies that both law enforcement and a licensed gun deal may charge a fee to store firearms.

Effective date

Given that AB 1621 has already taken effect, the forms in this proposal are proceeding on a special cycle with an abbreviated comment period to be presented to the council for approval or adoption in December 2022, even though this will provide less than usual time for the forms to be put into use. The committee recommends that the revisions take effect January 1, 2023, in order for the new law to be reflected on the forms as soon as possible. This will also allow the elder abuse forms to timely reflect the new findings related to specific debts, which courts may issue starting January 1, 2023. Additionally, similar revisions to gun violence and domestic

¹⁰ In response to a comment received on the original proposal, the order forms also contain revisions to the item describing the restrained person to note which fields are required for the order to be entered into the California Law Enforcement Telecommunications System. Additionally, the priority of enforcement language on the last pages of the orders has also been modified in response to comments received on the original proposal.

¹¹ Form EA-800 is listed on the *Proof of Personal Service* (form EA-200), as one of the forms that may have been served. Should this proposal ultimately be approved, the title of the form will be revised on form EA-200 as well.

violence restraining order forms to include “firearm parts” on the forms will also become effective January 1, 2023, and having all the restraining orders change at the same time should make training simpler.

Alternatives Considered

Because AB 1621 prohibits individuals restrained under elder or dependent adult abuse protective orders from having firearm parts, which is not provided for on the council’s current mandatory elder abuse forms, the committee determined that taking no action would be inappropriate.

The advisory committee considered an alternative plain language definition of firearm parts for the forms here, one which would more closely align with the language added to Penal Code section 16531(a) in AB 1621. The alternative parenthetical definition is as follows: “any item that may be used as or easily turned into a firearm frame or receiver (see Pen. Code, § 16531).” However, because the council favors consistency among protective order forms and because a slightly different definition is used on the gun violence and domestic violence restraining order forms recently approved by the council,¹² the forms proposed here include the language identical to that in the domestic violence and gun violence restraining orders.

The committee also considered recommending a later effective date for the revised forms in this proposal, but concluded that an effective date of January 1, 2023 is appropriate because that is the date that the provisions of AB 1243 take effect and the date that revisions to other protective order forms with similar information will take effect. (The committee notes that AB 1621 regarding firearms is already in effect.)

Fiscal and Operational Impacts

Most of the impacts arising from this new law—including education of judicial officers, staff, and justice partners as to the new provisions—are a result of the changes in statute, not the forms proposal. The committee anticipates that this proposal will result in some costs incurred by courts to incorporate new forms into their paper or electronic processes and to train court staff. However, all the revised forms are intended to assist courts in dealing with the impact of the legislation by making it easier for clerks, judicial officers, and litigants to understand the items that restrained individuals are prohibited from having.

¹² Those forms were recently approved by the council with the language proposed here, “any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531,” as a parenthetical definition of firearm parts,

Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?
- Which parenthetical plain language definition for firearm parts is preferable:
 - “any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531”
 - “any item that may be used as or easily turned into a firearm frame or receiver (see Pen. Code, § 16531)”
 - Some other language?

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

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would one month from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Forms EA-100, EA-100-INFO, EA-109, EA-110, EA-120, EA-120-INFO, EA-130, EA-800, EA-800-INFO, at pages 7–44
2. Link A: Assembly Bill 1243,
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1243
3. Link B: Assembly Bill 1621,
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1621
4. Link C: Assembly Bill 1057,
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1057

Clerk stamps date here when form is filed.

DRAFT

8/17/2022

**Not approved by
the Judicial Council**

Read *Can a Restraining Order to Prevent Elder or Dependent Adult Abuse 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: _____

Gender: M F Nonbinary 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 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 email.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

This is not a Court Order.



5 Description of Protected Person

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 5b—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>Gender</u>	<u>Age</u>	<u>Relation to person in ①?</u>	<u>Lives with person in ①?</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. Attach a sheet of paper and write "Attachment 6a—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 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.

This is not a Court Order.



8 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 8b(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.

(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 8b(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 8b(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)*:

the person in (1) the person in (2) the persons in (6).

(Attach a copy of the order if you have one.)

This is not a Court Order.



- 8 c. Is the person in 2 a care custodian who deprived the person in 1 of (kept from the person, did not allow the person to have or receive, or did not provide the person 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 the person):
 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—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 8d—Previous Abuse" for a title.

9 **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): _____

10 **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.)

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 any of the following things to the person in **1** or to any person 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 email, 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 13b—My Right to Residence" for a title.
-
-

14 **Order for Counseling or Anger Management Courses**

i This item is only available in instances of alleged physical abuse or deprivation of care, not in cases with only alleged financial abuse.

- a. I request the person in item **2** be ordered by the court to attend clinical counseling or anger management courses provided by a professional (a counselor, psychologist, psychiatrist, therapist, clinical social worker, or mental or behavioral health professional licensed in the State of California to provide counseling or anger management courses).
 - b. Explain why you are requesting an order that the person in item **2** attend clinical counseling or anger management courses.
 - 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 14b— Counseling or Anger Management" for a title.
-
-
-

15 **Firearms (Guns), Firearm Parts, and Ammunition**

Does the person in **2** own or possess any firearms (guns), firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531) or ammunition? 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 firearms (guns), firearm parts, 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 or store with a gun dealer, any firearms (guns), firearm parts, and ammunition within their immediate possession or control.*

This is not a Court Order.



16 **Temporary Restraining Order**

I request that a Temporary Restraining Order (TRO) be issued against the person in (2) to last until the hearing. I am presenting form EA-110, *Temporary Restraining Order*, for the court's signature together with this *Request*.

Has the person in (2) been told that you were going to go to court to seek a TRO against them?

- Yes No (If you answered no, 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—Temporary Restraining Order" for a title.

17 **Request to Give Less Than Five Days' Notice of Hearing**

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. (Read form EA-200-INFO, What Is "Proof of Personal Service"?, to learn about serving legal papers. 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 less than five days between service and the hearing, explain why:

- 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 17—Request to Give Less Than Five Days' Notice" for a title.

18 **Debts Caused by Financial Abuse**

You can ask the judge to decide at the hearing that certain debts or bills you have were caused by the person in (2)'s financial abuse. This may help you defend against the debt if you are sued in another case.

- a. If you want the judge to make this special finding, list the debts or bills you have that were caused by the person in (2)'s financial abuse.

Check here if you want to list additional debts or bills that were caused by financial abuse. You can attach form MC-025 and write "Attachment 18a—Additional Debts" for a title.

	Money Owed To	For	Amount
(1)	_____	_____	\$ _____
(2)	_____	_____	\$ _____
(3)	_____	_____	\$ _____

- b. Describe what the person in (2) did to cause the debts and bills that you listed above. Provide as much detail as you can about the person in (2)'s financial abuse.

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 18b—How Debt Was Incurred" for a title.

This is not a Court Order.



19 **Lawyer's Fees and Costs**

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 19—Lawyer's Fees and Costs" for a title.

20 **Possession and Protection of Animals**

I ask the court to order the following:

- a. That the person in **1** be given the sole possession, care, and control of the animals listed below, which they own, possess, lease, keep, or hold, or which reside in their household.
(Identify animals by, e.g., type, breed, name, color, sex.)

I request sole possession of the animals because *(specify good cause for granting order):*

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 20a—Possession of Animals" for a title.

- b. That the person in **2** must stay at least _____ yards away from, and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above.

21 **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.*

This is not a Court Order.



22 **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 22—Additional Orders Requested" for a title.

23 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

Signature of person making 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 any firearms (guns), firearm parts (any receiver, frame, or unfinished receiver/frame as defined in Penal Code section 16531), or ammunition

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

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

Persons who may apply (continued)

- 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/forms. 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, emails, or telephone messages

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

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
 →



What if the restrained person's abuse caused me to owe money or debts?

If the restrained person's financial abuse caused you to have certain debts or bills (such as using your name to open a credit card and make purchases that you didn't agree to), you can ask the judge to make a special decision or finding that the restrained person caused you to have the debts or bills. This special finding may be helpful if you are sued for the debts or bills.

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 have a disability?

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

What if I don't speak English?

When you file your papers, ask the clerk if a court interpreter is available. You can also use form [INT-300, Request for Interpreter \(Civil\)](#), or a local court form or website to request an interpreter. For more information about court interpreters, go to www.courts.ca.gov/selfhelp-interpreter.htm.

Information about the process is also available online.

<https://selfhelp.courts.ca.gov/EA-restraining-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. 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: _____

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: _____

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.)



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 (guns), firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531) 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 **Disability Accommodation Request** (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.

DRAFT
08/17/2022
Not approved by
the Judicial Council

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 email.):
Address:
City: State: Zip:
Telephone: Fax:
Email 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

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

*Full Name: *Age: Date of Birth:
*Race: Height: Weight: Hair Color: Eye Color:
*Gender: M F Nonbinary Home Address:
City: State: Zip:
Relationship to Protected Person:

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 temporary orders indicated below:

Table with columns: Full Name, Gender, Age, Household Member?, Relation to Protected Person. Includes Yes/No checkboxes.

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 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 have to go 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 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 email, by text messages, 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 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 (5) The vehicle of the person in ①
- (2) Each person in ③ (6) Other (*specify*):

- (3) The home of the elder or dependent adult

- (4) The job or workplace of the elder or dependent adult

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*):

This is a Court Order.



8 No Firearms (Guns), Firearm Parts, or 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 any prohibited items listed in b below.
- b. **Prohibited items are:**
- (1) Firearms (guns);
 - (2) Firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531) and;
 - (3) Ammunition.
- c. You must:
- (1) Sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, all prohibited items 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 all your prohibited items have been turned in, sold, or stored. (You may use form EA-800, *Receipt for Firearms, Firearm Parts, and Ammunition*, for the receipt.)
- d. The court has received information that you own or possess a firearm (gun), firearm parts, or ammunition.

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 Possession and Protection of Animals

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

- a. The person in ① is given the sole possession, care, and control of the animals listed below, which are owned, possessed, leased, kept, or held by him or her, or reside in his or her household.
(Identify animals by, e.g., type, breed, name, color, sex.)

- b. The person in ② must stay at least _____ yards away from, and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above.

This is a Court Order.



11 Other Orders

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

Four horizontal lines for specifying details.

Additional orders are attached at the end of this Order on Attachment 11.

To the Person in 1:

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 agencies listed below to enter into CARPOS:

Name of Law Enforcement Agency

Address (City, State, Zip)

Two horizontal lines for agency and address information.

Additional law enforcement agencies are listed at the end of this Order on Attachment 12.

13 No Fee to Serve (Notify) Restrained Person

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

14 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 Firearms (Guns), Firearm Parts, or Ammunition

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 any prohibited items listed in item 8b on page 3 while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any prohibited items 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 Elder or Dependent Adult Abuse Restraining Orders?*, 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.

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, 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. 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—Priority of Enforcement

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

1. **Emergency Protective Order (EPO):** If one of the orders is an *Emergency Protective Order* (form EPO-001), provisions (e.g., stay-away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must be enforced.
2. **No-Contact Order:** If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. Item 5a(2) is an example of a no-contact order.
3. **Criminal Protective Order (CPO):** If none of the orders include an EPO or a no-contact order, the most recent CPO must be enforced. (Fam. Code, §§ 6383(h)(2) and 6405(b).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Pen. Code, § 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must be enforced.
4. **Civil Restraining Orders:** If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment) then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must be enforced.

(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.

Response to Request for Elder or Dependent Adult Abuse Restraining Orders

Clerk stamps date here when form is filed.

DRAFT

8/17/2022

Not approved by the Judicial Council

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.)

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 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 email.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email 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. (Specify why you disagree in item ⑭ on page 4.)
- c. I agree to the following orders (specify below or in item ⑭ on page 4):

④ Stay-Away Orders

- a. I agree to the orders requested.
- b. I do not agree to the orders requested. (Specify why you disagree in item ⑭ on page 4.)
- c. I agree to the following orders (specify below or in item ⑭ on page 4):



5 **Move-Out Orders**

- a. I agree to the orders requested.
- b. I do not agree to the orders requested. (*Specify why you disagree in item 14 on page 4.*)
- c. I agree to the following orders (*specify below or in item 14 on page 4*):
-
-

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 **Order for Counseling or Anger Management Courses**

i This item is only available in instances of alleged physical abuse or deprivation of care, not in cases with only alleged financial abuse.

- a. I agree to the orders requested.
- b. I do not agree to the orders requested. (*Specify why you disagree in item 14 on page 4.*)
- c. I agree to the following orders (*specify below or in item 14 on page 4*):
-
-

8 **Firearms (Guns), Firearm Parts, and Ammunition**

If you were served with form EA-110, *Temporary Restraining Order*, you cannot own or possess any firearms (guns), firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531), or ammunition. (See item 8 of form EA-110.) You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any of those items in your immediate possession or control within 24 hours of being served with form EA-110. You must file a receipt with the court. You may use form EA-800, *Receipt for Firearms, Firearm Parts, and Ammunition*, for the receipt.

- a. I do not own or control any firearms (guns), firearm parts, or ammunition.
- b. I ask for an exemption from the firearms prohibition under Code of Civil Procedure section 527.9(f) because carrying a firearm is a condition of my employment, and my employer is unable to reassign me to another position where a firearm is unnecessary. (*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 8b—Firearms Surrender Exemption" as a title. You may use form MC-025, Attachment.
-
-

- c. I have turned in my firearms (guns), firearm parts, and ammunition to the police or sold them to or stored them with a licensed gun dealer.

A copy of the receipt is attached. has already been filed with the court.



9 **Debts Caused by Financial Abuse**

- a. I agree to the findings requested.
- b. I do not agree to the findings requested. *(Specify why you disagree in item 14 on page 4.)*
- c. I agree to the following findings *(specify below or in item 14 on page 4):*

10 **Possession and Protection of Animals**

- a. I agree to the orders requested.
- b. I do not agree to the orders requested. *(Specify why you disagree in item 14 on page 4.)*
- c. I agree to the following orders *(specify below or in item 14 on page 4):*

11 **Other Orders**

- a. I agree to the orders requested.
- b. I do not agree to the orders requested. *(Specify why you disagree in item 14 on page 4.)*
- c. I agree to the following orders *(specify below or in item 14 on page 4):*

12 **Denial**

I did not do anything described in item 8 of form EA-100. *(Skip to 13.)*

13 **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 13—Justification or Excuse" as a title. You may use form MC-025, Attachment.



14 **Reasons I Do Not Agree to the Requests**

Explain your answers to each order or finding requested that you do not agree with.

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 14—Reasons I Disagree" as a title. You may use form MC-025, Attachment.

15 **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 and write "Attachment 15—Lawyer's Fees and Costs" for a title. You may use form MC-025, Attachment.

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.

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

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 firearms (guns), firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531), or ammunition as long as the order is in effect

For more information about the items you would not be allowed to have, please see <https://selfhelp.courts.ca.gov/restraining-orders/prohibited-items>.

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/forms. 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.

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.

What if I don't speak English?

When you file your papers, ask the clerk if a court interpreter is available. You can also use form [INT-300, Request for Interpreter \(Civil\)](#), or a local court form or website to request an interpreter. For more information about court interpreters, go to www.courts.ca.gov/selfhelp-interpreter.htm.



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 3) of Form EA-109)
 Full Name: _____
 Lawyer for person named above (if any for this case):
 Name: _____ State Bar No.: _____
 b. Firm Name: _____
Fill in court name and street address:
 Superior Court of California, County of _____
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 or 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
 Form EA-109, January 1, 2013, Mandatory Form
 Welfare and Institutions Code, § 15677.03
 Approved by DOJ

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

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.

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 firearm (gun), firearm parts, or ammunition while the order is in effect. If you have one of those items in your immediate possession or control, you must sell it to or store it with a licensed gun dealer or turn it in to a law enforcement agency.

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

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

What if I have a disability?

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

Information about the process is also available online.

<https://selfhelp.courts.ca.gov/EA-restraining-order>.

For help in your area, contact:

[Local information may be inserted.]

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.

Clerk stamps date here when form is filed.

DRAFT

08/18/2022

Not approved by the Judicial Council

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

① Elder or Dependent Adult Seeking Protection

- a. Full Name: _____
 Name of person asking for the protection, if different (This is the person named in item ③ of the request (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 email.)
 Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____ Fax: _____
 Email 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

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

*Full Name: _____ *Age: _____ Date of Birth: _____
 *Race: _____ Height: _____ Weight: _____ Hair Color: _____ Eye Color: _____
 *Gender: M F Nonbinary Home Address: _____
 City: _____ State: _____ Zip: _____
 Relationship to Protected Person: _____

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	Gender	Age	Lives with Person in ①?	Relation to Person in ①
_____	_____	_____	<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. 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 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 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 email, 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 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)*: _____
- 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** **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 **Order for Counseling or Anger Management**

- a. The person in item **(2)** is ordered to attend:
- clinical counseling for _____ (*specify number*) sessions; or
- an anger management course
- provided by a professional (a counselor, psychologist, psychiatrist, therapist, clinical social worker, or mental or behavioral health professional licensed in the State of California to provide counseling or anger management courses).
- b. The person in item **(2)** must schedule clinical counseling or enroll in an anger management course by (*date*): _____, or if no date is listed, within 30 days after this order is made. The person in item **(2)** is ordered to file written proof of scheduling or enrollment with the court.
- c. Written proof of completion of the ordered number of clinical counseling sessions or written proof of completion of the court-ordered anger management course must be filed with the court by (*date*): _____, or the person in item **(2)** must appear for a court date on (*date*): _____ at (*time*): _____ in Dept.: _____ Room: _____

10 **No Firearms (Guns), Firearm Parts, or 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 any prohibited items listed below in b.
- b. **Prohibited items are:**
- (1) Firearms (guns);
- (2) Firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531) and;
- (3) Ammunition.
- c. If you have not already done so, you must:
- Sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, **all prohibited items** 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 **all your prohibited items** have been turned in, sold, or stored. (You may use form EA-800, *Receipt for Firearms, Firearm Parts, and Ammunition*, for the receipt.)
- d. The court has received information that you own or possess a **firearm (gun), firearm parts, or ammunition.**

This is a Court Order.



- e. [] The court has made the necessary findings and applies the firearm relinquishment exemption under Code of Civil Procedure section 527.9(f). Under California law, the person in (2) is not required to relinquish this firearm (specify make, model, and serial number of firearm): _____

The firearm must be in his or her physical possession only during scheduled work hours and during travel to and from his or her place of employment. Even if exempt under California law, the person in (2) may be subject to federal prosecution for possessing or controlling a firearm.

(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) [] Possession and Protection of Animals

- a. [] The person in (1) is given the sole possession, care, and control of the animals listed below, which are owned, possessed, leased, kept, or held by him or her, or reside in his or her household.

(Identify animals by, e.g., type, breed, name, color, sex.)

- b. [] The person in (2) must stay at least _____ yards away from, and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above.

(13) [] Specific Debts

The court finds (decides) that the following debts were incurred as a result of financial abuse of the person in (1) by the person in (2).

Money Owed To:	For:	Amount:
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

- [] Additional debts are attached at the end of this Order on Attachment 13.

(14) [] Lawyer's Fees and Costs

You must pay to the person in (1) the following amounts for [] lawyer's fees [] costs:

Item	Amount	Item	Amount
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

- [] Additional amounts are attached at the end of this Order on Attachment 14.

This is a Court Order.



15 **Other Orders** (*specify*):

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

To the Person in ① :

16 **Mandatory Entry of Order Into CARPOS Through CLETS**

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

- a. The clerk will enter this Order and its proof of service form into CARPOS.
- b. The clerk will transmit this Order and its proof of service form to a law enforcement agency to be entered into CARPOS.
- c. By the close of business on the date that this Order is made, 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 **16**.

17 **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.

18 **No Fee to Serve (Notify) Restrained Person**

If the sheriff or marshal serves this Order, they will do so for free.

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

Date: _____

Judicial Officer

This is a Court Order.



Warning and Notice to the Restrained Person in ②:

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

If the court grants the orders in item ⑩ on page 3 (unless item 10e on page 4 is checked), you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get any prohibited items listed in item 10b on page 3 while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any prohibited items that you have or control as stated in item ⑩. 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, 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 Order

This order *starts* on the date next to the judge's signature on page 5. 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).)

This is a Court Order.



Instructions for Law Enforcement**Conflicting Orders—Priority of Enforcement**

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

1. **Emergency Protective Order (EPO):** If one of the orders is an *Emergency Protective Order* (form EPO-001), provisions (e.g., stay-away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must be enforced.
2. **No-Contact Order:** If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. Item 6a(2) is an example of a no-contact order.
3. **Criminal Protective Order (CPO):** If none of the orders include an EPO or a no-contact order, the most recent CPO must be enforced. (Fam. Code, §§ 6383(h)(2) and 6405(b).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Pen. Code, § 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must be enforced.
4. **Civil Restraining Orders:** If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment) then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must be enforced.

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.

DRAFT
8/18/2022
**Not approved by
the Judicial Council**

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 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 email.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

3 To the Restrained Person:

If a judge has ordered you to turn in, sell, or store your firearms (guns), firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531), and ammunition, use this form to prove to the judge that you have obeyed their orders. Take this form to law enforcement officer or a licensed gun dealer to complete item 4 or 5. For more information on how to properly turn in your items, read form EA-800-INFO, How Do I Turn In, Sell, or Store My Firearms, Firearm Parts, and Ammunition?

4 To Law Enforcement

(Complete the section below. Keep a copy and give the original to the person in 2.)

Name of Law Enforcement Agency: _____

Name of Law Enforcement Agent: _____

Address: _____

Telephone: _____ Email Address: _____

Items Surrendered

a. Firearms, firearm parts, and ammunition transferred on:

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

b. List of items (List all the items surrendered by the person in 2. You may attach a separate form from your agency (e.g., a property report), use item 6, or both. Check below if you have attached a separate form):

Separate form is attached. (If it does not include all surrendered items, list additional items in item 6.)

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

(Complete the section below. Keep a copy and give the original to the person in ②.)

Name of Licensed Gun Dealer: _____
 License number: _____
 Address: _____
 Telephone: _____ Email Address: _____

Items Stored or Sold

a. Firearms, firearm parts, and ammunition transferred on:

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

b. List of items *(List all the items surrendered by the person in ②. You may attach a separate form (e.g., Department of Justice’s Report of Firearms Acquisition) or you may use item ⑥. Check below if you have attached a separate form):*

Separate form is attached. *(If it does not include all surrendered items, list additional items in item ⑥.)*

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 List of Items Surrendered

Firearms and firearm parts	Make	Model	Serial Number, if there is one	Sold	Stored	To be destroyed
(1)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(5)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(6)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Ammunition	Brand	Type	Amount	Sold	Stored	To be destroyed
(1)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(5)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(6)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Check here if there is not enough space above for your answer. Use a separate sheet of paper to list other items. Write “EA-800, item 6” at the top, and attach it to this form.

7 To the Restrained Person:

Besides the items listed on page 2 or in an attached form, do you have or own any other firearms (guns), firearm parts, or ammunition?

No

Yes (If yes, check one of the boxes below:)

a. I filed a Receipt of Firearms, Firearm Parts, and Ammunition (form EA-800) or other proof for those items with the court on (date): _____

b. I am filing the proof for those firearms (guns), firearm parts, or ammunition along with this proof.

c. I have not yet filed the proof for the other firearms (guns), firearm parts, or ammunition. (Explain why not):

Your 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

Your Next Steps

- After the form is complete, make two additional copies. Take the copies and original to the court clerk to file.
- Keep a copy for yourself.

Note that failure to file a receipt with the court is a violation of the court's order.

What items do I need to turn in, sell, or store?

You must turn in, sell, or store all of the following prohibited items that you have or control:

- Firearms, including any handgun, rifle, shotgun, and assault weapon;
- Firearm parts, including any receiver, frame or unfinished receiver or frame (also called “ghost guns”); and
- Ammunition, also called ammo, including bullets, shells, cartridges, and clips.

How do I properly turn in, sell, or store the prohibited items?

You must take them to:

- Law enforcement, who will accept all prohibited items and may store them or destroy them;

OR

- A licensed gun dealer, who can buy or store firearms. If you have firearm parts or ammunition, call ahead for more information.

When do I have to turn in, sell, or store the prohibited items?

Immediately if law enforcement asks you for the items. Otherwise, within 24 hours.

Who can I turn in, sell, or store the prohibited items with?

Only law enforcement or a licensed gun dealer. You cannot give your prohibited items to a family member, friend, or anyone else.

Where can I sell the prohibited items?

At a licensed gun dealer in your area. You can search the internet for “Gun Dealers” or “Firearms Dealers” to find one. Make sure the dealer is licensed.

Do I have to pay a fee to store prohibited items?

You may have to pay a fee. Contact your local law enforcement agency or a licensed gun dealer about fees and whether they have space to store your items.

How do I turn in the prohibited items to law enforcement?

Call your local law enforcement agency to ask about their procedures. Unload your firearms and take a copy of the court order with you.

Do not bring firearms to court.

If I turn in the prohibited items to law enforcement, how long will they keep them?

It depends. There are procedures for getting your firearms back after the restraining order has expired. Ask the law enforcement agency for more information.

After I turn in the prohibited items to law enforcement, can I change my mind?

Yes. You are allowed to sell firearms and ammunition to a licensed gun dealer. To do this, the 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 items that you are selling.

Do I have to prove that I have turned in, sold, or stored the prohibited items?

Yes. Within 48 hours you must file a receipt with the court showing that you have surrendered the prohibited items to a law enforcement agency or sold them to or stored them with a licensed gun dealer. You may use [Receipt for Firearms, Firearm Parts, and Ammunition \(form EA-800\)](#) for this purpose.

Additional Questions?

Contact an attorney for legal advice. Call your local law enforcement agency, for example, your city police or county sheriff for their procedures.

Information about prohibited items and how to obey these orders is also available online.

<https://selfhelp.courts.ca.gov/respond-to-EA-restraining-order/obey-firearms-orders>.

For help in your area, contact:

[Local information may be inserted.]

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee Meeting Date: 9/21/2022

Rules Committee action requested [Choose from drop down menu below]:
Circulate for comment (out of cycle)

Title of proposal: Criminal Procedure: Criminal Protective Orders

Proposed rules, forms, or standards (include amend/revise/adopt/approve):
Revise forms CR-160, CR-161 and 162

Committee or other entity submitting the proposal:
Criminal Law Advisory Committee

Staff contact (name, phone and e-mail): Sarah Fleischer-Ihn, 415-865-7702, sarah.fleischer-ihn@jud.ca.gov

Identify project(s) on the committee's annual agenda that is the basis for this item:

Annual agenda approved by Rules Committee on (date): 11/2/2021

Project description from annual agenda: Revise mandatory forms - Criminal Protective Order – Domestic Violence (form CR-160), Criminal Protective Order – Other Than Domestic Violence (form CR-161), and Order to Surrender Firearms in Domestic Violence Case (form CR-162)

The committee will consider amendments to 1) increase accessibility of the forms, 2) change references to the sex of the restrained person to gender, and consider a nonbinary gender option; 3) add additional identification data fields for protected persons; 4) add additional identification data fields for animals granted to the protected person for care, possession, and control; 5) reflect current law, including the requirement to prioritize enforcement of protective orders in pending cases involving specified sex offenses and offenses requiring sex offender registration (AB 1498 (Stats. 2014, ch. 665)), further defining “coercive control” (SB 1141 (Stats. 2020, ch. 245)), and clarifying firearm storage requirements (Family Code section 6389 and Code of Civil Procedure section 527.9); and 6) incorporate language similar to the civil domestic violence restraining orders to promote consistency.

Out of Cycle: *If requesting September 1 effective date or out of cycle, explain why:*

This is an out of cycle circulation for a March 2023 effective date. AB 1621, which expanded the definition of firearm as used in criminal protective orders, went into effect June 30, 2022.

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any relevant information not contained in the attached summary.)

Additional Information for JC Staff (provide with reports to be submitted to JC):

- **Form Translations** (check all that apply)

This proposal:

- includes forms that have been translated.
- includes forms or content that are required by statute to be translated. Provide the code section that mandates translation: [Click or tap here to enter text.](#)
- includes forms that staff will request be translated.

- **Form Descriptions** (for any proposal with new or revised forms)

The forms in this proposal will require new or revised form descriptions on the JC forms webpage. (If this is checked, the form descriptions should be approved by a supervisor before submitting this RAR.).

- **Self-Help Website** (check if applicable)

This proposal may require changes or additions to self-help web content.

JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue • San Francisco, California 94102-3688

www.courts.ca.gov/policyadmin-invitationstocomment.htm

INVITATION TO COMMENT ITC SP22-11

Title	Action Requested
Criminal Procedure: Criminal Protective Orders and Firearm Relinquishment Orders	Review and submit comments by October 11, 2022
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Revise forms CR-160, CR-161, and CR-162	March 1, 2023
Proposed by	Contact
Criminal Law Advisory Committee Hon. Brian. M. Hoffstadt, Chair	Sarah Fleischer-Ihn, 415-865-7702 sarah.fleischer-ihn@jud.ca.gov

Executive Summary and Origin

The Criminal Law Advisory Committee recommends revisions to two mandatory Judicial Council criminal protective orders to (1) reflect statutory changes to the definition of firearm in Penal Code section 16520(b), with an impact on Penal Code section 136.2 and Code of Civil Procedure section 527.9; (2) reflect statutory changes adding “reproductive coercion” as an example of “coercive control” in Family Code section 6320; (3) be consistent with similar provisions in the civil protective orders; and (4) improve the forms’ useability and accuracy. The committee circulated proposed revisions to the two mandatory criminal protective orders from April to May 2022 and is now proposing further revisions to those forms in light of the recent statutory changes. The committee also recommends revisions to a mandatory Judicial Council order to surrender firearms in domestic violence criminal cases to reflect statutory changes to the definition of firearms as described above and to be consistent with previously circulated proposed revisions to the criminal protective orders.

Background

Forms CR-160 and CR-161 are mandatory Judicial Council forms used to provide protective orders in criminal cases. *Criminal Protective Order—Domestic Violence* (form CR-160) was first approved as an optional municipal court criminal protective order form in 1998. The order has been revised several times to reflect statutory changes and to add warnings and notices for both defendants and law enforcement. In 2007, *Criminal Protective Order—Other Than Domestic Violence* (form CR-161) was spun off from form CR-160 based on concern from the Attorney General’s task force on domestic violence cases that including all types of criminal protective

This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee. It is circulated for comment purposes only.

orders on one form resulted in domestic violence (DV) orders not being entered into the relevant DV registries and databases.

Mandatory *Order to Surrender Firearms in Domestic Violence Case* (CR-162) was adopted in 2007 to comply with statutory changes that allowed the court to issue an order prohibiting firearm possession in domestic violence cases without issuing a criminal protective order. (Pen. Code, § 136.2(a)(1)(G)(ii)(I).) This form was suggested by the Attorney General’s task force on domestic violence cases.

Forms CR-160, CR-161, and CR-162 were last substantively revised, effective July 1, 2014, in response to a rule of court that addresses firearm relinquishment hearings and legislation that expanded court authority to issue criminal protective orders, authorized courts to order electronic monitoring in specified circumstances, prescribed a new firearm relinquishment option, and clarified enforcement priorities for no-contact orders in criminal and civil protective orders. The forms were revised more recently to incorporate nonsubstantive technical amendments to reflect renumbered statutes and avoid gendered pronouns.

Prior Circulation

A proposal to revise forms CR-160 and CR-161 circulated for public comment from April to May 2022.¹ Those proposed revisions were to reflect statutory changes to Family Code section 6320 regarding enjoined actions and former Penal Code section 30405(a)(1)² prohibiting possession of firearm precursor parts and to include a nonbinary gender option, improve consistency with the data fields in the California Restraining and Protective Order System (CARPOS), clarify protective order expiration dates, and add additional provisions for protected persons from Penal Code section 136.2. The committee also recommended several revisions to the forms’ content, format, instructions, and advisements to make them easier to understand, complete, and enforce.

The Proposal

The proposal would further revise the two criminal protective order forms to incorporate statutory changes, add language on terminating orders, and be consistent with similar provisions in the civil protective orders. The proposal would also add a check box to form CR-161 to allow a court to issue a criminal protective order in a non–domestic violence elder abuse case under Penal Code section 368(l). Additionally, the proposal revises form CR-162 to incorporate statutory changes, include a nonbinary gender option, clarify protective order expiration dates, and be consistent with the firearm and ammunition prohibitions and exemptions in the mandatory criminal protective orders.

¹ See Judicial Council of Cal., Advisory Com. Invitation to Comment, *Criminal Procedure: Criminal Protective Orders* (SPR22-08), www.courts.ca.gov/documents/spr22-08.pdf.

² Penal Code section 30405 was repealed before its July 1, 2022 effective date by AB 1621.

Firearms definition

Effective June 30, 2022, Assembly Bill 1621 (Stats. 2022, ch. 76) expands the definition of a firearm as used in Penal Code section 136.2 and Code of Civil Procedure section 527.9 to include completed frames and receivers and “firearm precursor parts.” (Pen. Code, §§ 16520(b)(1), (24) & 16531(a).) The change is intended to include “ghost guns” (unserialized and untraceable firearms that can be bought online and assembled at home) in the list of items that restrained people cannot possess and must surrender. AB 1621 also amended the definition of firearm precursor parts to mean “any forging, casting, printing, extrusion, machined body or similar article that has reached a stage in manufacture where it may readily be completed, assembled or converted to be used as the frame or receiver of a functional firearm, or that is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once completed, assembled or converted.” (Pen. Code, § 16531(a).)³

AB 1621 superseded a prior bill (Assem. Bill 1057; Stats. 2021, ch. 682) which would have added firearm parts to the definition of firearm under specified Family Code and Penal Code sections. To implement AB 1057 in civil domestic violence restraining orders and gun violence forms, the Family and Juvenile Law Advisory Committee and Civil and Small Claims Advisory Committee recommended referring to receivers, frames, and firearm precursor parts as “firearm parts” and further defining a firearm part as a “receiver, frame, or unfinished receiver or frame, as defined in Penal Code section 16531.”⁴ The two committees believe the same changes to the forms needed to implement AB 1057 would be appropriate to implement AB 1621 and the Judicial Council has approved that language.⁵ The Criminal Law Advisory Committee also recommends using the same terminology in forms CR-160, CR-161, and CR-162 for consistency and comprehensibility.

To reflect this legislative change, the committee recommends revising item 8 on firearms and ammunition prohibitions on both forms CR-160 (DV protective order) and CR-161 (non-DV protective order) to also refer to “firearm parts (receiver, frame, or unfinished receiver or frame, as defined in Penal Code section 16531).” The committee also recommends additional minor

³ Former section 16531(a):

(a) As used in this part, “firearm precursor part” means a component of a firearm that is necessary to build or assemble a firearm and is described in either of the following categories:

- (1) An unfinished receiver, including both a single part receiver and a multiple part receiver, such as a receiver in an AR-10- or AR-15-style firearm. An unfinished receiver includes a receiver tube, a molded or shaped polymer frame or receiver, a metallic casting, a metallic forging, and a receiver flat, such as a Kalashnikov-style weapons system, Kalashnikov-style receiver channel, or a Browning-style receiver side plate.
- (2) An unfinished handgun frame.

⁴ AB 1057 did not add firearm precursor parts to the definition of a firearm as used in Penal Code section 136.2, so the criminal protective orders were not impacted.

⁵ See Judicial Council of Cal., Advisory Com. Rep., *Domestic Violence: Rule and Form Changes to Implement New Laws* (Sept. 21, 2022), p. 4, [\[insert link here\]](#); Judicial Council of Cal., Advisory Com. Rep., *Protective Orders: Gun Violence Forms Implementing Assembly Bill 1057 and Senate Bill 538* (Sept. 21, 2022), p. 3, [\[insert link here\]](#)

revisions to the item by adding the time and department to the subitem noticing a hearing and revising the title to add “guns.” The committee recommends similar revisions to item 4 of *Order to Surrender Firearms in Domestic Violence Case—CLETS-CPO* (form CR-162).

Reproductive coercion

Effective January 1, 2022, Senate Bill 374 (Stats. 2021, ch. 135) added “reproductive coercion” as a form of coercive control under Family Code section 6320(c)(5). To implement SB 374, and in light of comments received in the earlier circulation, the committee recommends revising the domestic violence criminal protective order (form CR-160) to include examples of reproductive coercion, as included in Family Code section 6320(c)(5). The civil domestic violence protective order proposal includes the same language.

Pretrial expiration date

To flag the need for a further court order to terminate a pretrial order, the committee recommends adding language to item 4 on forms CR-160 and CR-161 stating “To terminate, courts must use *Notice of Termination of Protective Order in Criminal Proceeding* (form CR-165).” The committee recommends a similar revision to item 2 on form CR-162.

Elder abuse protective order checkbox on form CR-161

A deputy district attorney requested that the non-DV criminal protective order (form CR-161) include a box for postconviction protective orders issued under Penal Code section 368(l) in elder abuse cases. The DV criminal protective order (form CR-160) currently includes a box for these orders, so this addition would allow courts to issue the orders in a non-DV elder abuse context as well.

Revisions to form CR-162

In addition to revisions to incorporate AB 1621, the committee recommends the following revisions, previously circulated as proposed revisions to the criminal protective orders and still being recommended for those forms, to *Order to Surrender Firearms in Domestic Violence Case—CLETS-CPO* (form CR-162).

Gender-neutral pronouns

The Judicial Council’s Rules Committee has directed advisory committees, in revising all Judicial Council rules and forms, to use gender-neutral pronouns where legally possible and include a nonbinary option for gender identity questions. Accordingly, the committee recommends changing references to the restrained person’s “sex” on the order to “gender” and including a nonbinary gender option.

Default expiration dates

The order currently states: “This order expires on (*date*): . If no date is listed, this order expires three years from date issuance.” The committee recommends deleting the three-year expiration default, because it appears overbroad as it relates to pretrial orders, which should terminate on sentence or dismissal (see *People v. Stone* (2004) 123 Cal.App.4th 153, 160 [order

must be “limited to the pendency of the criminal proceeding”). The committee recommends a revision to clarify that if no date is listed, the order remains in effect until further court order.

Other changes

The committee also recommends (1) deleting the field for the defendant’s age, because age is not a data field in CARPOS and the defendant’s date of birth is already included; (2) reordering the fields identifying the defendant so that the order is similar to that on forms CR-160 and CR-161; (3) deleting repetitive language on the firearm prohibitions; and (4) moving information on the consequences of possessing a firearm and relinquishment requirements from the Warnings and Notices section to item 4 on firearm, firearm parts, and ammunition prohibitions.

List of proposed revisions

Criminal Protective Order—Domestic Violence (*form CR-160*)

The proposal would revise form CR-160 as follows:⁶

- Item 4, Expiration date
 - Add language stating that “[t]o terminate, courts must use *Notice of Termination of Protective Order in Criminal Proceeding* (form CR-165).”
- Item 8, No firearms or ammunition
 - Rename as “No firearms (guns), firearm parts, or ammunition”;
 - Replace prohibition on guns with “firearms, firearm parts (receiver, frame, or unfinished receiver or frame, as defined in Penal Code section 16531)”;
 - Add “firearm parts” to all references to firearms, except in item 8e on limited exemptions;
 - Replace references to guns with “firearms and firearm parts”; and
 - Add fields to indicate the time and location of the review hearing.
- Item 11, Order not to abuse
 - Add to the definition of coercive control: “reproductive coercion, meaning controlling someone’s reproductive choices, such as using force, threat, or intimidation to pressure someone to be or not be pregnant, and to control or interfere with someone’s contraception, birth control, pregnancy, or access to health information.”

Criminal Protective Order—Other Than Domestic Violence (*form CR-161*)

The proposal would revise form CR-161 as follows:

⁶ Highlights on attached forms CR-160 and CR-161 show the changes proposed in this circulation. The proposed changes from the prior circulation are so comprehensive that they are not highlighted.

- Order check box
 - Add a check box for postconviction protective orders issued under Penal Code section 368(I) in elder abuse cases.
- Item 4, Expiration date
 - Add language stating that “[t]o terminate, courts must use *Notice of Termination of Protective Order in Criminal Proceeding* (form CR-165).”
- Item 8, No firearms or ammunition
 - Rename as “No firearms (guns), firearm parts, or ammunition”;
 - Replace prohibition on guns with “firearms, firearm parts (receiver, frame, or unfinished receiver or frame, as defined in Penal Code section 16531)”;
 - Add “firearm parts” to all references to firearms, except in item 8e on limited exemptions;
 - Replace references to guns with “firearms and firearm parts”; and
 - Add fields to indicate the time and location of the review hearing.

Order to Surrender Firearms in Domestic Violence Case (*form CR-162*)

The proposal would revise form CR-162 as follows:

- Defendant’s information
 - Change “sex” to “gender” and add a gender nonbinary option;
 - Delete field asking for defendant’s age; and
 - Reorder identification fields for consistency with forms CR-160 and CR-161.
- Item 2, Expiration date
 - Replace language stating a three-year default expiration date if no date is listed with language stating that “[i]f no date is listed, this order remains in effect until further court order and that [t]o terminate, courts must use *Notice of Termination of Protective Order in Criminal Proceeding* (form CR-165).”
- Item 4, Court Orders
 - Add “firearm parts (receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531)” or “firearm parts” to all references to firearms, except under item 4e on limited exemptions;
 - Create a new subsection on firearm and firearm parts relinquishment;
 - Create a new subsection on exemptions, add language regarding work-related requirements to the limited exemption provision reflecting Code of Civil Procedure section 527.9(f), and add language that even if exempt under California law, the

- defendant may be subject to federal prosecution for possessing or controlling a firearm, similar to the proposed language in the criminal protective orders;
- Incorporate firearm-related warnings addressed to the defendant from the Warnings and Notices section of the current form; and
 - Add fields to indicate the time and location of the review hearing.
- Notices
 - Rename “Warnings and Notices” to “Notices”; and
 - Remove repetitive language regarding firearm-related warnings and language moved to Item 4.

Alternatives Considered

The committee did not consider the alternative of taking no action, determining that it was important to adopt the forms to implement legislative change.

The committee considered a recommending a later implementation date, but because the forms are mandatory and the changes reflect laws already in effect, the committee is continuing to recommend a January 1 effective date.

Fiscal and Operational Impacts

The committee anticipates that this proposal would require courts to train court staff and judicial officers on the newly revised forms. In addition, costs would be incurred to make and replace paper forms packets.

Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?

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

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Forms CR-160, CR-161, and CR-162, at pages 9–16

SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	<i>FOR COURT USE ONLY</i> <h1 style="margin: 0;">DRAFT</h1> <h2 style="margin: 0;">Not approved by the Judicial Council</h2>
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:	
CRIMINAL PROTECTIVE ORDER—DOMESTIC VIOLENCE (CLETS-CPO) <input type="checkbox"/> ORDER PENDING TRIAL (Pen. Code, § 136.2) <input type="checkbox"/> MODIFICATION <input type="checkbox"/> PROBATION CONDITION ORDER (Pen. Code, § 1203.097(a)(2)) ORDER UPON <input type="checkbox"/> PENAL CODE, § 136.2(i) <input type="checkbox"/> PENAL CODE, § 273.5(j) CONVICTION: <input type="checkbox"/> PENAL CODE, § 368(l) <input type="checkbox"/> PENAL CODE, § 646.9(k)	CASE NUMBER:

This order may take precedence over other conflicting orders; see item 4 on page 4.

1. **Restrained person**
 *Name: _____ *Gender: M F Nonbinary *Race: _____
 *Date of birth: _____ Height: _____ Weight: _____ Hair color: _____ Eye color: _____
2. **Protected person**
 *Name: _____ *Gender: M F Nonbinary Age: _____
3. **Additional protected persons**

*Name	*Gender	Relationship to person in item 2
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- a. The court finds that the protected person's family members have been targeted or harmed by the defendant (finding required for postconviction orders issued under Penal Code section 136.2(i)).
- b. The court finds by clear and convincing evidence that the above named percipient witnesses have been harassed by the defendant (finding required for postconviction orders issued under Penal Code section 136.2(i)(2)).

(For items 1, 2, and 3: Information that has a star (*) next to it is required to add this order into the California Restraining and Protective Order System. Please provide all known information.)

4. **Expiration date**
 - a. For pretrial orders, this order remains in effect until further court order. **To terminate, courts must use Notice of Termination of Protective Order in Criminal Proceeding (form CR-165).**
 - b. For postconviction orders, this order expires on (date): _____ . (Postconviction orders under Penal Code sections 136.2(i), 368(l), 273.5(j), and 646.9(k) may be valid for up to 10 years.)

5. **Hearing**
 This proceeding was heard on (date): _____ at (time): _____
 by (judicial officer): _____

6. **Personal service**
 Defendant was personally served with a copy of this order at the court hearing, and no additional proof of service of this order is required.

7. The court finds good cause to grant a protective order. See items 8–17.

To the defendant

- If you do not obey these orders, you can be charged with a crime, go to jail or prison, and/or pay a fine.
- It is a felony to take or hide a child in violation of this order.
- Traveling across state or tribal boundaries with the intent to violate the order may be punishable as a federal offense. (18 U.S.C. § 2261(a)(1).)

DEFENDANT:	CASE NUMBER:
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8. **No firearms (guns), firearm parts, or ammunition**

- a. The defendant must not own, possess, buy or try to buy, receive or try to receive, or in any other way get any firearms, firearm parts (receiver, frame, or unfinished receiver or frame, as defined in Penal Code section 16531), or ammunition. Possession of firearms, firearms parts, or ammunition while this order is in effect may subject the defendant to state or federal prosecution and may include jail or prison time and/or a fine.
- b. Within 24 hours of receiving this order, the defendant must turn in to local law enforcement, or sell to or store with a licensed gun dealer, any firearms and firearm parts owned by the defendant or within the defendant's immediate possession or control.
- c. Within 48 hours of receiving this order, the defendant must file a receipt with the court showing that all firearms and firearm parts have been turned in, sold, or stored.
- d. The court finds good cause to believe that the defendant has a firearm and firearm parts within their immediate possession or control and sets a review hearing for (date): _____ (time): _____ (dept): _____ to ascertain whether the defendant has complied with the firearm and firearm parts relinquishment requirements of Code of Civil Procedure section 527.9 (Cal. Rules of Court, rule 4.700).
- e. Limited exemption: The court has made the necessary findings to grant an exemption under Code of Civil Procedure section 527.9(f). Under California law, the defendant is not required to relinquish this firearm (specify make, model, and serial number of firearm): _____ but must only have it during scheduled work hours and to and from their place of work. Even if exempt under California law, the defendant may be subject to federal prosecution for possessing or controlling a firearm.

9. **No dissuading victim or witness (for pretrial orders issued under Penal Code section 136.2(a)(1))**

The defendant must not attempt to or actually prevent or dissuade any victim or witness from attending a hearing, testifying, or making a report to any law enforcement agency or person.

10. **No obtaining addresses (for orders issued under Penal Code section 136.2)**

- a. The defendant must take no action to obtain the addresses or locations of protected persons or their family members, caretakers, or guardians unless good cause exists otherwise.
- b. The court finds good cause not to make this order.

11. **Order to not abuse**

Defendant must not harass, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy or damage personal or real property, disturb the peace of, keep under surveillance, annoy by phone or other electronic means (including repeatedly contact), impersonate (on the internet, electronically, or otherwise), or block movements of the protected persons named above.

- "Disturb the peace of" means to destroy someone's mental or emotional calm. This can be done directly or indirectly, such as through someone else. This can also be done in any way, such as by phone, over text, or online. Disturbing the peace includes coercive control.
- "Coercive control" means a number of acts that unreasonably limit the free will and individual rights of any person protected by this restraining order. Examples include isolating them from friends, relatives, or other support; keeping them from food or basic needs; controlling or keeping track of them, including their movements, contacts, activities, money, or access to services; and making them do something by force, threat, or intimidation, including threats based on actual or suspected immigration status; and reproductive coercion, meaning controlling someone's reproductive choices, such as using force, threat, or intimidation to pressure someone to be or not be pregnant, and to control or interfere with someone's contraception, birth control, pregnancy, or access to related health information.

12. **No-contact order**

Defendant must not contact the protected persons named above, directly or indirectly, by any means, including by telephone, mail, email, or other electronic means. Contact through an attorney under reasonable restrictions set by the court does not violate this order.

13. **Stay-away order**

Defendant must stay at least _____ yards away from the protected person and their

- a. home b. job or workplace c. vehicle d. other protected person in item 3
- e. other locations:

DEFENDANT:	CASE NUMBER:
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14. **Exceptions**

Defendant may have peaceful contact with the protected persons named above, as an exception to the no-contact and stay-away orders in items 12 and 13 of this order, only for the safe exchange of children and court-ordered visitation as stated in

- a. the family, juvenile, or probate court order in *(case number)*:
issued on *(date)*:
- b. any family, juvenile, or probate court order issued *after* the date of this order is signed.

The restrained and protected persons should always carry a certified copy of the most recent order issued by the family, juvenile, or probate court.

15. **Protected animals**

a. The protected persons named above are given the exclusive care, possession, and control of the animals listed below:

Name:	Type of animal:	Breed (optional):	Color (optional):
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- b. Defendant must not take, transfer, sell, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of the animals listed above.
- c. Defendant must not come within _____ yards of the animals listed above.

16. **Electronic monitoring**

Defendant must be placed on electronic monitoring for *(specify length of time)*:
(Not to exceed 1 year from the date of this order. Pen. Code, § 136.2(a)(1)(G)(iv), (i)(3).)

17. **Recordings**

The protected person in item 2 may record communications made by the person in item 1 that violate this order.

18. **Other orders**

Executed on *(date)*:

JUDICIAL OFFICER

Certificate of Compliance With Violence Against Women Act (VAWA)

This protective order meets all full faith and credit requirements of the Violence Against Women Act, 18 U.S.C. § 2265 (1994). This court has jurisdiction over the parties and the subject matter, and the restrained person has been afforded notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. **This order is valid and entitled to enforcement in each jurisdiction throughout the 50 states of the United 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.**

DEFENDANT:	CASE NUMBER:
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Instructions for Law Enforcement

1. Start Date and End Date of Order

This order starts on the date it was issued by a judicial officer.

This order ends as ordered in item 4 on page 1 of this order.

- Orders under Penal Code section 136.2(a) are valid as long as the court has jurisdiction over the case. They are not valid after imposition of a county jail or state prison commitment. (*People v. Stone* (2004) 123 Cal.App.4th 153.)
- Orders issued under Penal Code sections 136.2(i)(1), 273.5(j), 368(l), and 646.9(k) are valid for up to 10 years and may be issued by the court whether the defendant is sentenced to state prison, county jail, or subject to mandatory supervision or if imposition of sentence is suspended and the defendant is placed on probation.
- Orders under Penal Code section 1203.097(a)(2) are probationary orders, and the court has jurisdiction as long as the defendant is on probation.
- To terminate this protective order, courts should use form CR-165, *Notice of Termination of Protective Order in Criminal Proceeding (CLETS-CANCEL)*.

2. If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, the orders remain 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).)

3. Enforcing This Order in California

- This order must be enforced in California by any law enforcement agency that has received the order, or is shown a copy of the order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS).
- Law enforcement must determine whether the restrained person had notice of the order. If notice cannot be verified, law enforcement must advise the restrained person of the terms of the order and, if the restrained person fails to comply, must enforce it. (Fam. Code, § 6383.)

4. Conflicting Orders— Priority of Enforcement

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority (see Penal Code section 136.2 and Family Code sections 6383(h)(2), 6405(b)):

- **Emergency Protective Order (EPO):** If one of the orders is an Emergency Protective Order (form EPO-001), provisions (e.g., stay-away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must be enforced.
- **No-Contact Order:** If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. Item 12 is an example of a no-contact order.
- **Criminal Protective Order (CPO):** If none of the orders include an EPO or a no-contact order, the most recent CPO must be enforced. (Family Code sections 6383(h)(2) and 6405(b).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Penal Code section 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must be enforced.
- **Civil Restraining Orders:** If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment) then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must be enforced.

Peace Officer Firearm Prohibition Exemption

If a peace officer's employment and personal safety depend on the ability to carry a firearm, a court may grant an exemption that allows the officer to carry a firearm on or off duty, but only if the court finds, after a mandatory psychological examination of the peace officer, that the officer does not pose a threat of harm. (Code Civ. Proc., § 527.9(f).)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	<i>FOR COURT USE ONLY</i> DRAFT Not approved by the Judicial Council
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:	
CRIMINAL PROTECTIVE ORDER—OTHER THAN DOMESTIC VIOLENCE (CLETS-CPO) (Pen. Code, §§ 136.2, 136.2(i), 136.2(l) and 646.9(k)) ORDER <input type="checkbox"/> Pen. Code, § 136.2 <input type="checkbox"/> MODIFICATION PENDING TRIAL: ORDER UPON <input type="checkbox"/> Pen. Code, § 136.2(i) <input type="checkbox"/> Pen. Code, § 646.9(k) CONVICTION: <input type="checkbox"/> Pen. Code, § 368(l)	CASE NUMBER:

1. **Restrained person**

*Name: _____ *Gender: M F Nonbinary *Race: _____
 *Date of birth: _____ Height: _____ Weight: _____ Hair color: _____ Eye color: _____

2. **Protected person**

*Name: _____ *Gender: M F Nonbinary Age: _____

3. **Additional protected persons**

*Name _____ *Gender _____ Relationship to person in item 2 _____

- a. The court finds that the protected person's family members have been targeted or harmed by the defendant (finding required for postconviction orders issued under Penal Code section 136.2(i)).
- b. The court finds by clear and convincing evidence that the above named percipient witnesses have been harassed by the defendant (finding required for postconviction orders issued under Penal Code section 136.2(i)(2)).

(For items 1, 2, and 3: Information that has a star (*) next to it is required to add this order into the California Restraining and Protective Order System. Please provide all known information.)

4. **Expiration date**

- a. For pretrial orders, this order remains in effect until further court order. **To terminate, courts must use *Notice of Termination of Protective Order in Criminal Proceeding* (form CR-165).**
- b. For postconviction orders, this order expires on (date): _____ . (Postconviction orders under Penal Code sections 136.2(i) and 646.9(k) may be valid for up to 10 years.)

5. **Hearing**

This proceeding was heard on (date): _____ at (time): _____
 by (judicial officer): _____

6. **Personal service**

Defendant was personally served with a copy of this order at the court hearing, and no additional proof of service of this order is required.

7. The court finds good cause to grant a protective order. See items 8–15.

To the defendant

- If you do not obey these orders, you can be charged with a crime, go to jail or prison, and/or pay a fine.

8. **No firearms (guns), firearm parts, or ammunition**

- a. The defendant must not own, possess, buy or try to buy, receive or try to receive, or in any other way get any **firearms, firearm parts (receiver, frame, or unfinished receiver or frame, as defined in Penal Code section 16531), or ammunition.** Possession of firearms, firearms parts, or ammunition while this order is in effect may subject the defendant to state or federal prosecution and may include jail or prison time and/or a fine.

DEFENDANT:	CASE NUMBER:
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8. b. Within 24 hours of receiving this order, the defendant must turn in to local law enforcement, or sell to or store with a licensed gun dealer, any **firearms or firearm** parts owned by the defendant or within the defendant's immediate possession or control.
- c. Within 48 hours of receiving this order, the defendant must file a receipt with the court showing that **all firearms and firearm parts** have been turned in, sold, or stored.
- d. The court finds good cause to believe that the defendant has a firearm **and firearm parts** within their immediate possession or control and sets a review hearing for *(date):* *(time):* *(dept):* to ascertain whether the defendant has complied with the firearm **and firearm parts** relinquishment requirements of Code of Civil Procedure section 527.9 (Cal. Rules of Court, rule 4.700).
- e. Limited exemption: The court has made the necessary findings to grant an exemption under Code of Civil Procedure section 527.9(f). Under California law, the defendant is not required to relinquish this firearm *(specify make, model, and serial number of firearm):* but must only have it during scheduled work hours and to and from their place of work. Even if exempt under California law, the defendant may be subject to federal prosecution for possessing or controlling a firearm.
9. **No dissuading victim or witness (for pretrial orders issued under Penal Code section 136.2(a)(1))**
The defendant must not attempt to or actually prevent or dissuade any victim or witness from attending a hearing, testifying, or making a report to any law enforcement agency or person.
10. **No obtaining addresses (for orders issued under Penal Code section 136.2)**
- a. The defendant must take no action to obtain the addresses or locations of protected persons or their family members, caretakers, or guardians unless good cause exists otherwise.
- b. The court finds good cause not to make this order.
11. **Order to not abuse**
Defendant must not harass, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy or damage personal or real property, disturb the peace of, keep under surveillance, annoy by phone or other electronic means (including repeatedly contact), impersonate (on the internet, electronically, or otherwise), or block movements of the protected persons named above.
12. **No-contact order**
Defendant must not contact the protected persons named above, directly or indirectly, by any means, including by telephone, mail, email, or other electronic means. Contact through an attorney under reasonable restrictions set by the court does not violate this order.
13. **Stay-away order**
Defendant must stay at least _____ yards away from the protected person and their
- a. home b. job or workplace c. vehicle d. other protected person in item 3
- e. other locations:
14. **Exceptions**
Defendant may have peaceful contact with the protected persons named above, as an exception to the no-contact and stay-away orders in items 12 and 13 of this order, only for the safe exchange of children and court-ordered visitation as stated in
- a. the family, juvenile, or probate court order in *(case number):* issued on *(date):*
- b. any family, juvenile, or probate court order issued *after* the date of this order is signed.
- The restrained and protected persons should always carry a certified copy of the most recent order issued by the family, juvenile, or probate court.
15. **Electronic monitoring**
Defendant must be placed on electronic monitoring for *(specify length of time):*
(Not to exceed 1 year from the date of this order. Pen. Code, § 136.2(a)(1)(G)(iv), (i)(3).)
16. **Other orders**

Executed on *(date):*_____
JUDICIAL OFFICER

DEFENDANT:	CASE NUMBER:
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Instructions for Law Enforcement

1. Start Date and End Date of Order

This order starts on the date it was issued by a judicial officer.

This order ends as ordered in item 4 on page 1 of this order.

- Orders under Penal Code section 136.2(a) are valid as long as the court has jurisdiction over the case. They are not valid after imposition of a county jail or state prison commitment. (*People v. Stone* (2004) 123 Cal.App.4th 153.)
- Orders issued under Penal Code sections 136.2(i)(1) and 646.9(k) are valid for up to 10 years and may be issued by the court whether the defendant is sentenced to state prison, county jail, or subject to mandatory supervision or if imposition of sentence is suspended and the defendant is placed on probation.
- To terminate this protective order, courts should use form CR-165, *Notice of Termination of Protective Order in Criminal Proceeding (CLETS-CANCEL)*.

2. Enforcing This Order in California

- This order must be enforced in California by any law enforcement agency that has received the order, or is shown a copy of the order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS).

3. Conflicting Orders—Priority of Enforcement

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority (see Penal Code section 136.2 and Family Code sections 6383(h)(2), 6405(b)):

- **Emergency Protective Order (EPO):** If one of the orders is an Emergency Protective Order (form EPO-001), provisions (e.g., stay-away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must be enforced.
- **No-Contact Order:** If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. Item 12 is an example of a no-contact order.
- **Criminal Protective Order (CPO):** If none of the orders include an EPO or a no-contact order, the most recent CPO must be enforced. (Family Code sections 6383(h)(2) and 6405(b).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Penal Code section 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must be enforced.
- **Civil Restraining Orders:** If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment) then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must be enforced.

Peace Officer Firearm Prohibition Exemption

If a peace officer's employment and personal safety depend on the ability to carry a firearm, a court may grant an exemption that allows the officer to carry a firearm on or off duty, but only if the court finds, after a mandatory psychological examination of the peace officer, that the officer does not pose a threat of harm. (Code Civ. Proc., § 527.9(f).)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	<i>FOR COURT USE ONLY</i> DRAFT Not approved by the Judicial Council
PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT:	
ORDER TO SURRENDER FIREARMS IN DOMESTIC VIOLENCE CASE (CLETS - CPO) (Penal Code, § 136.2(a)(1)(G)(ii))	CASE NUMBER:
PERSON TO SURRENDER FIREARMS (<i>complete name</i>): Gender: <input type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> Nonbinary Race: Date of birth: Ht.: Wt.: Hair color: Eye color:	

1. This proceeding was heard on (*date*): _____ at (*time*): _____ in Dept.: _____
 Room: _____ by judicial officer (*name*): _____
2. This order expires on (*date*): _____. If no date is listed, this order remains in effect until further court order.
 To terminate, courts must use *Notice of Termination of Protective Order in Criminal Proceeding* (form CR-165).
3. Defendant was personally served with a copy of this order at the court hearing, and no additional proof of service of this order is required.
4. **GOOD CAUSE APPEARING, THE COURT ORDERS THAT THE ABOVE-NAMED DEFENDANT**
 - a. Must not own, possess, buy or try to buy, receive or try to receive, or in any other way get any firearms, firearm parts (receiver, frame, or unfinished receiver or frame, as defined in Penal Code section 16531), or ammunition. Possession of firearms, firearm parts, or ammunition while this order is in effect may subject the defendant to state or federal prosecution, and may include jail or prison time and/or a fine.
 - b. Within 24 hours of receiving this order, the defendant must turn in to local law enforcement, or sell to or store with a licensed gun dealer, any firearms or firearm parts owned by the defendant or within the defendant's immediate possession or control.
 - c. Within 48 hours of receiving this order, the defendant must file a receipt with the court showing that all firearms or firearm parts have been turned in, sold, or stored.
 - d. The court finds good cause to believe that the defendant has a firearm or firearm parts within their immediate possession or control and sets a review hearing for (*date*): _____ (*time*): _____ (*department*): _____ to ascertain whether the defendant has complied with the firearm and firearm parts relinquishment requirements of Code of Civ. Proc., § 527.9. (Cal. Rules of Court, rule 4.700.)
 - e. **Limited exemption:** The court has made the necessary findings to grant an exemption under Code of Civ. Proc., § 527.9(f). Under California law, the defendant is not required to relinquish this firearm (*specify make, model, and serial number of firearm*): _____ but must only have it during scheduled work hours and to and from their place of work. Even if exempt under California law the defendant may be subject to federal prosecution for possessing or controlling a firearm.

Executed on: _____ (DATE) _____ (SIGNATURE OF JUDICIAL OFFICER)

NOTICES

- This order is effective as of the date it was issued by the judicial officer and expires as ordered in item 2.
- This order is to be used ONLY when the court orders firearms relinquishment but does not make any other protective or restraining orders. Do NOT use in conjunction with other Criminal Protective Orders (form CR-160 or CR-161).
- Specified defendants may request an exemption from the firearm relinquishment requirements stated in item 4 of this order. *The court must check the box under item 4 to order an exemption from the firearm relinquishment requirements.* If the defendant can show that the firearm is necessary as a condition of continued employment, the court may grant an exemption for a particular firearm to be in the defendant's possession only during work hours and while traveling to and from work. If a peace officer's employment and personal safety depend on the ability to carry a firearm, a court may grant an exemption that allows the officer to carry a firearm on or off duty, but only if the court finds, after a mandatory psychological examination of the peace officer, that the officer does not pose a threat of harm. (Code Civ. Proc., § 527.9(f).)

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee Meeting Date: 9/21/22

Rules Committee action requested [Choose from drop down menu below]:
Circulate for comment (out of cycle)

Title of proposal: Criminal Law: Definition of Firearm

Proposed rules, forms, or standards (include amend/revise/adopt/approve):
Revise forms CR-101, CR-102, and CR-210

Committee or other entity submitting the proposal:
Criminal Law Advisory Committee

Staff contact (name, phone and e-mail): Sarah Fleischer-Ihn, 5-7702, sarah.fleischer-ihn@jud.ca.gov

Identify project(s) on the committee's annual agenda that is the basis for this item:

Annual agenda approved by Rules Committee on (date): 9/6/22

Project description from annual agenda: Revising definition of firearm in multiple forms: Develop a proposal to revise two mandatory protective forms, two firearm relinquishment forms, and two optional plea forms to reflect statutory changes to the definition of firearm in Penal Code section 16520(b), as amended by AB 1621.

Out of Cycle: *If requesting September 1 effective date or out of cycle, explain why:*

This is an out of cycle circulation for a March 1 effective date. The enacting legislation went into effect on June 30, 2022.

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any relevant information not contained in the attached summary.)

Additional Information for JC Staff (provide with reports to be submitted to JC):

- **Form Translations** (check all that apply)

This proposal:

- includes forms that have been translated.
- includes forms or content that are required by statute to be translated. Provide the code section that mandates translation: [Click or tap here to enter text.](#)
- includes forms that staff will request be translated.

- **Form Descriptions** (for any proposal with new or revised forms)

The forms in this proposal will require new or revised form descriptions on the JC forms webpage. (If this is checked, the form descriptions should be approved by a supervisor before submitting this RAR.)

- **Self-Help Website** (check if applicable)

This proposal may require changes or additions to self-help web content.

JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue • San Francisco, California 94102-3688

www.courts.ca.gov/policyadmin-invitationstocomment.htm

INVITATION TO COMMENT

ITC SP22-12

Title

Criminal Law: Definition of *Firearm*

Proposed Rules, Forms, Standards, or Statutes

Revise forms CR-101, CR-102, and CR-210

Proposed by

Criminal Law Advisory Committee
Hon. Brian M. Hoffstadt, Chair

Action Requested

Review and submit comments by October 11, 2022

Proposed Effective Date

March 1, 2023

Contact

Sarah Fleischer-Ihn, 415-865-7702
Sarah.Fleischer-Ihn@jud.ca.gov

Executive Summary and Origin

The Criminal Law Advisory Committee recommends revisions to two optional Judicial Council plea forms and the optional Judicial Council firearm relinquishment findings form to reflect statutory changes to the definition of *firearm* in Penal Code section 16520(b). The committee also recommends additional revisions to one of the plea forms to reflect accurate mandatory minimum probation terms and make minor, nonsubstantive technical changes.

Background

Plea Form, With Explanations and Waiver of Rights—Felony (form CR-101) was first approved for optional use, effective January 1, 2007, to promote increased uniformity in felony plea waiver forms used throughout the state. The form was substantially revised in 2012 in response to criminal justice realignment legislation and in 2021 to conform to statutory changes in sentencing requirements and to avoid gendered pronouns. *Domestic Violence Plea Form With Waiver of Rights* (form CR-102) was first approved in 2011 to facilitate the taking of guilty or no contest pleas in misdemeanor domestic violence cases. The form was last revised in 2020 to update the interpreter’s statement to accurately describe the role and responsibilities of interpreters and to amend the immigration consequences section to conform to the plain language of Penal Code section 1016.5.

Prohibited Persons Relinquishment Form Findings (form CR-210) was approved for optional use, effective January 1, 2018, to facilitate the firearms relinquishment procedures in Proposition 63.

This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee. It is circulated for comment purposes only.

The Proposal

The proposal would revise these forms to incorporate the expanded definition of a firearm in Penal Code section 16520(b), as used in Penal Code sections 29800, 29805, and 29810. Additionally, the proposal would revise form CR-102 to be consistent with mandatory minimum probation terms and make nonsubstantive technical changes.

Firearms definition

Effective June 30, 2022, Assembly Bill 1621 (Stats. 2022, ch. 76) expands the definition of a firearm as used in Penal Code sections 29800, 29805, 29810 to include frames, receivers, or “firearm precursor parts.” (Pen. Code, § 16520(b)(19).) The change is intended to include “ghost guns” (unserialized and untraceable firearms that can be bought online and assembled at home) in the list of items that restrained people cannot possess and must surrender. AB 1621 also amended the definition of firearm precursor parts to mean “any forging, casting, printing, extrusion, machined body or similar article that has reached a stage in manufacture where it may readily be completed, assembled or converted to be used as the frame or receiver of a functional firearm, or that is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once completed, assembled or converted.” (Pen. Code, § 16531(a).)¹

AB 1621 superseded a prior bill (Assem. Bill 1057; Stats. 2021, ch. 682), which would have added firearm precursor parts to the definition of *firearm* under specified Family Code and Penal Code sections. To implement AB 1057 in civil domestic violence restraining orders and gun violence forms, the Family and Juvenile Law Advisory Committee and Civil and Small Claims Advisory Committee recommended referring to receivers, frames, and firearm precursor parts as “firearm parts” and further defining firearm parts to include any “receiver, frame, or unfinished receiver or frame, as defined under Penal Code section 16531.” The two committees believe the same changes to the forms needed to implement AB 1057 are appropriate to implement AB 1621 and the Judicial Council has approved that language.² The Criminal Law Advisory Committee also recommends using the same terminology in forms CR-101, CR-102, and CR-210 for consistency and comprehensibility.

To reflect this legislative change, the committee recommends revising item 3(j) on form CR-101 (felony plea form), item 7(f) on form CR-102 (misdemeanor domestic violence plea form), and

¹ Former section 16531(a):

(a) As used in this part, “firearm precursor part” means a component of a firearm that is necessary to build or assemble a firearm and is described in either of the following categories:

(1) An unfinished receiver, including both a single part receiver and a multiple part receiver, such as a receiver in an AR-10- or AR-15-style firearm. An unfinished receiver includes a receiver tube, a molded or shaped polymer frame or receiver, a metallic casting, a metallic forging, and a receiver flat, such as a Kalashnikov-style weapons system, Kalashnikov-style receiver channel, or a Browning-style receiver side plate.

(2) An unfinished handgun frame.

² See Judicial Council of Cal., Advisory Com. Rep., *Domestic Violence: Rule and Form Changes to Implement New Laws* (Sept. 21, 2022), p. 4, [\[insert link here\]](#); Judicial Council of Cal., Advisory Com. Rep., *Protective Orders: Gun Violence Forms Implementing Assembly Bill 1057 and Senate Bill 538* (Sept. 21, 2022), p. 3, [\[insert link here\]](#)

the description on form CR-210 (firearm relinquishment findings form) on firearms and ammunition prohibitions.

Mandatory probation terms

Form CR-102 currently lists orders not to own, possess, purchase, or receive and to relinquish firearms as mandatory terms of domestic violence probation under Penal Code section 1203.097. However, these are not mandatory domestic violence probation terms under that statute. The provision in item 7f that the defendant may not be able to own, use, or possess firearms, firearm parts, or ammunition appears to be sufficient to address firearm-related prohibitions. Accordingly, the committee recommends removing items 7c(8) and 7c(9).

Proposed revisions

Plea Form, With Explanations and Waiver of Rights—Felony (*form CR-101*)

The proposal would revise form CR-101 as follows:

- Item 3(j), Firearms
 - Rename as “Firearms, Firearm Parts, and Ammunition Prohibition.”
 - Add “firearm parts (receivers, frames, or unfinished receivers or frames, as defined in Penal Code section 16531)” to the acknowledgement of the prohibition on possession of firearms.
- Nonsubstantive technical amendments

Domestic Violence Plea Form With Waiver of Rights (Misdemeanor) (*form CR-102*)

The proposal would revise form CR-102 as follows:

- Item 7(c), Mandatory minimum conditions of probation
 - Remove items (8) and (9), and renumber item (10) as (8).
- Item 7(f), Firearm prohibition
 - Rename as “Firearm, firearm parts, ammunition prohibition.”
 - Add “firearm parts (receiver, frame, or unfinished receiver or frame, as defined in Penal Code section 16531)” to the acknowledgement of ban on possession of firearms.
- Nonsubstantive technical amendments

Prohibited Persons Relinquishment Form Findings (*form CR-210*)

The proposal would revise form CR-210 as follows:

- Description
 - Add “[a]ny reference to ‘firearm’ throughout this form includes receivers, frames, or unfinished receivers or frames, as defined in Penal Code section 16531.”
- Nonsubstantive technical amendments

Alternatives Considered

The committee did not consider the alternative of taking no action, determining that it was important to revise the forms to implement legislative changes.

An earlier, January 1, 2023, effective date was considered for the new forms, because the new law is already in effect. However, the committee concluded that in order to provide courts with more time to train on the forms, and because the forms were all optional, the later date should be recommended.

Fiscal and Operational Impacts

As optional forms, expected costs should be limited to training, possible case management system updates, and the production of new forms. No other implementation requirements or operational impacts are expected.

Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?

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

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation, or would January 1 be a better effective date?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Forms CR-101, CR-102, and CR-210, at pages 5–15

SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	FOR COURT USE ONLY <h1 style="margin: 0;">DRAFT</h1> <h2 style="margin: 0;">Not approved by the Judicial Council</h2>
PEOPLE OF THE STATE OF CALIFORNIA v. Defendant:	
PLEA FORM, WITH EXPLANATIONS AND WAIVER OF RIGHTS—FELONY	CASE NUMBER:

- INSTRUCTIONS:**
- (1) Fill out this form only if you want to plead guilty or no contest.
 - (2) Read this form carefully. For each item, if you understand and agree with what you read, put your initials in the box to the right of the item. For any item that does not apply to you or that you do not understand, leave the box blank.
 - (3) On page 6, sign and date the form under "DEFENDANT'S STATEMENT."
 - (4) Keep in mind that the court cannot give legal advice. If you have any questions about anything in this form, ask your attorney.

1. **CHARGES AND MAXIMUM TERM.** I want to plead guilty or no contest ("nolo contendere") to the charges and allegations listed below. I understand that the minimum and maximum penalties for the charges to which I am pleading guilty or no contest are listed below. INITIALS

COUNT	CHARGES (SECTION & DESCRIPTION)	YEARS / MONTHS		PRIOR CONVICTIONS, ENHANCEMENTS, & SPECIAL ALLEGATIONS (SECTION & DESCRIPTION)	YEARS / MONTHS		TOTAL MAXIMUM TIME
		MINIMUM	MAXIMUM		MINIMUM	MAXIMUM	
AGGREGATE MAXIMUM TIME OF IMPRISONMENT							

2. **PLEA AGREEMENT.** I understand that I must tell the court on this form about any promises anyone has made to me about the sentence I will receive or the sentence recommendations that will be made to the court. My attorney, the court, or the prosecutor has explained to me that if I plead guilty or no contest to the charges and admit the allegations listed above, the court will sentence me as follows:

- a. Check one: **State Prison** (or the Division of Juvenile Justice) **County Jail** for INITIALS
- (1) years and months or
- (2) not less than years and months and/or not more than years and months.
- (3) Other (*specify*):
- b. **Probation** for years under conditions to be set by the court, including
- days in the **county jail** or
- up to days in the **county jail**.

I understand that a violation of any of the conditions of probation, including failure to complete a drug education or treatment program, if ordered by the court, may cause the court to send me to **county jail or state prison** for up to the "**Aggregate Maximum Time of Imprisonment**" specified in item 1, which may include a period of mandatory supervision under Penal Code section 1170(h)(5)(B) if the court sends me to county jail.

PEOPLE OF THE STATE OF CALIFORNIA v. Defendant(s):	CASE NUMBER:
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INITIALS

2. c. **Split Sentence (1170(h)(5)(B)):** years and days in the county jail and years and days on mandatory supervision under conditions set by the court. I understand that if I violate any of the terms or conditions of mandatory supervision, I may be remanded into custody for the entire unserved portion of the sentence.

d. **Open Plea**

- (1) I understand the maximum and minimum sentences for the charges and allegations stated on page 1. No one has made any other promises to me about what sentence the court may order.
- (2) I understand that I am not eligible for probation.
- (3) I understand that I will not be granted probation unless the court finds at the time of sentencing that this is an unusual case where the interests of justice would be best served by granting probation.

e. **Restitution, Statutory Fees, and Assessments**

I understand that the court will order me to pay the following amounts (if an amount is not yet known, "TBD" for "to be determined" is entered next to the \$); I must prepare financial disclosure statements to assist the court in determining my ability to pay; and refusal or failure to prepare the required financial disclosure statements may be used against me at sentencing:

- (1) \$ **to the Victim Restitution Fund**
- (2) \$ **restitution to actual victims**
- (3) \$ **restitution to the State of California, Victims of Crime Fund**
- (4) \$ **court operations assessment**
- (5) \$ **court facilities assessment**
- (6) \$ **base fine plus any applicable penalties, assessments, and surcharges**
- (7) \$ **other (specify):**
- (8) \$ **other (specify):**
- (9) An (additional) amount to be determined by the court at sentencing or such other hearing as the court may set.

f. **Fines for Revocation of Parole, Postrelease Community Supervision, Mandatory Supervision, or Probation**

I understand that if I am sentenced to **state prison**, the court **will** impose a parole revocation fine or a postrelease community supervision revocation fine, which will be collected only if my parole or postrelease community supervision is later revoked. I also understand that if I am granted probation or mandatory supervision, the court **will** impose a probation revocation fine or mandatory supervision revocation fine, which will be collected only if my probation or mandatory supervision is later revoked.

g. **Dismissal of Other Counts**

I understand that as part of the plea agreement bargain, the following counts will be dismissed after sentencing:

I understand and agree that the sentencing judge may consider facts underlying dismissed counts to determine restitution and to sentence me on the counts to which I am entering a plea.

h. **Other Terms (specify):**

3. **CONSEQUENCES OF MY PLEA**

INITIALS

a. **No Contest ("Nolo Contendere") Plea**

I understand that a no contest plea is the same as pleading guilty and that if I plead no contest, I will be convicted and my no contest plea could be used against me in a civil case.

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INITIALS

3. b. Parole and Postrelease Community Supervision

I understand that if I am sentenced to **state prison**

- (1) I will be placed on parole or postrelease community supervision for up to _____ years after my release.
- (2) if I abscond or the court tolls my supervision, the total time of parole or postrelease community supervision can be extended.
- (3) if I violate any of the terms or conditions of my parole, I can be sentenced to county jail for up to 180 days for each violation, or returned to state prison for up to one year, up to a maximum of _____ years. If I violate any of the terms or conditions of postrelease community supervision, I can be sentenced to county jail for up to 180 days for each violation, for up to a maximum of 3 years.

c. Effect of Conviction on Other Cases

I understand that a conviction in this case may constitute a violation of any other current grant of parole, mandatory supervision, postrelease community supervision, or probation in any other case and that I may receive additional punishment as a result of that violation.

d. Registration

I understand that I will be required to register with the local police agency or sheriff's department in the city or county in which I reside as

- (1) an arson offender
- (2) a gang member
- (3) a sex offender (**this registration is a lifelong requirement**)
- (4) Other (specify):

and that if I fail to register or to keep my registration current for any reason, new felony criminal charges may be filed against me.

e. Prints and DNA Samples

I understand that I must provide biological samples and prints for identification purposes—including buccal (mouth) swab samples, right thumb prints, palm prints of each hand, and blood specimens or other biological samples required by law—and that failure to do so constitutes a new criminal offense.

f. Serious or Violent Felony

- (1) I understand that by pleading guilty or no contest to a serious or violent felony ("strike"), the penalty for any future felony conviction will be increased as a result of my conviction in this case, depending on the number of strikes I have, up to a mandatory prison sentence of double the term otherwise provided or a term of at least 25 years to life.
- (2) I understand that if I am convicted of a violent felony, jail or prison conduct/work-time credit I may accrue will not exceed 15 percent.
- (3) I understand that if I am admitting a prior strike conviction, prison work-time credit that I may accrue will not exceed 20 percent of the total term of imprisonment.
- (4) I understand that if I am convicted of murder or a third felony conviction of certain offenses, I am ineligible to receive work-time credits. Count _____ is such an offense.

g. Prior Prison Term for Sexually Violent Offense

I understand that if I am sentenced to serve a state prison term for this sexually violent offense, as defined in Welfare and Institutions Code section 6600(b), the penalty for any future felony conviction may be increased as a result of my incarceration in this case.

h. Driver's License and Vehicle Forfeiture

I understand that my privilege to drive a motor vehicle may be revoked or suspended by the court or the California Department of Motor Vehicles, and my vehicle may be ordered forfeited if it was involved in the offense.

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- | | INITIALS |
|---|--|
| 3. i. Immigration Consequences
I understand that if I am not a citizen of the United States, my plea of guilty or no contest may result in my deportation, exclusion from admission to the United States, or denial of naturalization under the laws of the United States. | <input style="width: 40px; height: 25px;" type="text"/> |
| j. Firearms, Firearm Parts, and Ammunition Prohibition
I understand that federal and state laws prohibit a convicted felon from possessing firearms, firearm parts (receiver, frame, or unfinished receiver or frame, as defined in Penal Code section 16531) or ammunition for life. | <input style="width: 40px; height: 25px;" type="text"/> |
| k. Other Consequences (<i>specify</i>): | <input style="width: 40px; height: 25px;" type="text"/> |
| 4. RIGHT TO AN ATTORNEY
I understand that I have the right to an attorney of my choice to represent me throughout the proceedings. If I cannot afford to hire an attorney, the court will appoint one to represent me.

I hereby give up my right to be represented by an attorney. | <input style="width: 40px; height: 25px;" type="text"/>

<input style="width: 40px; height: 25px;" type="text"/> |
| 5. OTHER CONSTITUTIONAL RIGHTS
I understand that I am entitled to each of the following rights as to the charges listed in item 1 (on page 1): | |
| a. Right to a Jury Trial
I understand that I have a right to a speedy and public jury trial. At the trial, I would be presumed to be innocent, and I could not be convicted unless, after hearing all of the evidence, 12 impartial jurors chosen from the community were unanimously convinced beyond a reasonable doubt that I am guilty. I have a right, through my counsel, to participate in jury selection. | <input style="width: 40px; height: 25px;" type="text"/> |
| b. Right to a Court Trial
I understand that, as an alternative to a jury trial, if the prosecutor agrees, I may give up a jury trial and have a court trial in which the judge alone, without a jury, hears the evidence. I still could not be convicted unless, after hearing all of the evidence, the judge was convinced beyond a reasonable doubt that I am guilty. | <input style="width: 40px; height: 25px;" type="text"/> |
| c. Right to Confront and Cross-Examine Witnesses
I understand that I have the right to confront and cross-examine all witnesses testifying against me. This means that the prosecution must produce the witnesses in court, they must testify under oath in my presence, and my attorney may question them. | <input style="width: 40px; height: 25px;" type="text"/> |
| d. Right to Remain Silent and Not to Incriminate Myself
I understand that I have the right to remain silent, and my silence cannot be considered as evidence against me. I understand that I also have the right not to incriminate myself, and I cannot be forced to testify. | <input style="width: 40px; height: 25px;" type="text"/> |
| e. Right to Produce Evidence and to Present a Defense
I understand that I have a right to present evidence and to have the court issue subpoenas to bring to court all witnesses and evidence favorable to me, at no cost to me. I also have the right to testify on my own behalf. | <input style="width: 40px; height: 25px;" type="text"/> |
| 6. BEFORE THE PLEA | |
| a. Discussion With My Attorney

Before entering this plea, I have had a full opportunity to discuss the following with my attorney: | <input style="width: 40px; height: 25px;" type="text"/> |
| (1) The facts of my case; | |
| (2) The elements of the charged offenses, prior convictions, enhancements, and special allegations; | |
| (3) Any defenses that I may have; | |
| (4) My constitutional and statutory rights and waiver of those rights; | |
| (5) The consequences of this plea, including the immigration consequences; and | |
| (6) Anything else I think is important to my case. | |

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6. **b. Questions** INITIALS
 I have no further questions of the court or of my attorney with regard to my plea and admissions in this case, any of the rights, or anything else on this form.

c. **Stipulation to Commissioner**
 I understand that I have the right to have a judge take my plea and sentence me. I give up this right and agree to have a commissioner, sitting as a temporary judge, take my plea and sentence me.

d. **Medications or Controlled Substances**
 I am not taking any medication that affects my ability to understand this form and the consequences of my plea, have not recently consumed any alcohol or drugs, and am not suffering from any medical condition, except for the following:

e. **Court Approval of Plea Agreement**
 I understand that the plea agreement in item 2 (on pages 1 and 2) is based on the facts before the court. I understand that if the court approves this plea agreement the approval of the court is not binding, and that the court may withdraw its approval of the plea agreement upon further consideration of the matter. I understand that if the court withdraws its approval of this plea agreement I will be allowed to withdraw my plea. (Pen. Code, § 1192.5.)

7. **STATUTORY RIGHT TO A PRELIMINARY HEARING**
 I understand that before I have a trial, the law gives me the right to a speedy preliminary hearing at which the prosecution would produce evidence and the court must find reasonable cause to believe I committed the crimes with which I have been charged. I understand that I have all of the above constitutional rights at the preliminary hearing, except for the right to a jury trial.

I give up my right to a preliminary hearing and the constitutional rights listed in item 5 (on page 4).

8. **WAIVER OF CONSTITUTIONAL RIGHTS**
I give up, for each of the charges and allegations listed in item 1 (on page 1), my right to a jury trial, my right to a court trial, my right to confront and cross-examine witnesses, my right to remain silent and not to incriminate myself, and my right to produce evidence and to present a defense, including my right to testify on my own behalf. I understand that I am, in fact, incriminating myself with my plea.

9. **THE PLEA**
 I freely and voluntarily plead GUILTY NO CONTEST to the charges listed in item 1 (on page 1) and admit the allegations listed in item 1 (on page 1), understanding that this plea and admission will lead to the penalties listed in item 2 (on pages 1 and 2).

a. I offer my plea of guilty or no contest freely and voluntarily and with full understanding of everything in this form. No one has made any threats; used any force against me, my family, or my loved ones; or made any promises to me, except as listed in this form, in order to convince me to plead guilty or no contest.

b. **I understand that the court is required to find a factual basis for my plea to make sure that I am entering a plea to the proper offenses under the facts of the case.**

I offer to the court the following as the basis for my plea of guilty or no contest and any admissions:

(1) **I understand that the court may consider the following as proof of the factual basis for my plea:**

- (a) Preliminary hearing transcript
- (b) Police report
- (c) Probation report
- (d) Welfare investigator's declaration
- (e) Court documents regarding any alleged prior offenses
- (f) Other(*specify*):
- (g) (Specify facts):

PEOPLE OF THE STATE OF CALIFORNIA v. Defendant(s):	CASE NUMBER:
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9. b. (2) **I am pleading guilty or no contest to take advantage of a plea agreement (my attorney will stipulate to a factual basis for the plea).** (*People v. West* (1970) 3 Cal.3d 595.)

INITIALS

10. AFTER THE PLEA

a. Surrender

I understand that the court is allowing me to surrender at a later date to begin serving time in custody.

I agree that if I fail to appear on the date set for surrender or sentencing without a legal excuse, my plea will become an "open plea" to the court, I will not be allowed to withdraw my plea, and I may be sentenced up to the maximum allowed by law.

b. Sentencing Court

I understand that I have the right to be sentenced by the same judge or commissioner who takes my plea.

I give up that right and agree that any judge or commissioner may sentence me.

c. Sentencing Date

I understand that I have the right to be sentenced within 20 court days. I give up that right and agree to be sentenced at a later date.

11. MANDATORY WARNING

I understand that if I am charged with violating Vehicle Code section 23103, as specified in Vehicle Code section 23103.5, or Vehicle Code sections 23152 or 23153, the following warning applies:

You are hereby advised that being under the influence of alcohol or drugs, or both, impairs your ability to safely operate a motor vehicle. Therefore, it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. If you continue to drive while under the influence of alcohol or drugs, or both, and as a result of that driving someone is killed, you can be charged with murder.

DEFENDANT'S STATEMENT

I have read or have had read to me this form and have initialed each of the items that applies to my case. If I have an attorney, I have discussed each item with my attorney. By putting my initials next to the items in this form, I am indicating that I understand and agree with what is stated in each item that I have initialed. The nature of the charges, possible defenses, and effects of any prior convictions, enhancements, and special allegations have been explained to me. I understand each of the rights outlined above, and I give up each of them to enter my plea.

Date: _____



(TYPE OR PRINT NAME)

(SIGNATURE OF DEFENDANT)

ATTORNEY'S STATEMENT

I am the attorney of record for the defendant. I have reviewed this form with my client. I have explained each of the items in the form, including the defendant's constitutional and statutory rights, to the defendant and have answered all of his or her questions with regard to those rights, the other items in this form, and the plea agreement. I have also discussed the facts of the case with the defendant and have explained the nature and elements of each charge; any possible defenses to the charges; the effect of any prior convictions, enhancements, and special allegations; and the consequences of the plea.

I concur in the plea and admissions and join in the waiver of the defendant's constitutional and statutory rights, and I hereby stipulate that there is a factual basis for the plea and refer the court to the police report preliminary hearing transcript probation report other (*specify*): _____ (*People v. West* (1970) 3 Cal.3d 595.)

Date: _____



(TYPE OR PRINT NAME)

(SIGNATURE OF ATTORNEY)

PEOPLE OF THE STATE OF CALIFORNIA v. Defendant(s):	CASE NUMBER:
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INTERPRETER'S STATEMENT

I, having been duly sworn or having a written oath on file, certify that I truly translated this form to the defendant in the language noted below.

Language: Spanish Other (specify):

Date: _____

_____ (TYPE OR PRINT NAME)

_____ (CERTIFICATION NUMBER)

_____ (SIGNATURE OF INTERPRETER)

DISTRICT ATTORNEY'S STATEMENT

I have read this form and understand the terms of the plea agreement.
I agree do not agree with the terms of the plea agreement and the indicated sentence.

Date: _____

_____ (TYPE OR PRINT NAME)

_____ (SIGNATURE OF DISTRICT ATTORNEY)

COURT'S FINDINGS AND ORDER

The court, having reviewed this form (and any addenda), and having orally examined the defendant, finds as follows:

1. The initialed items in this form have been read by or read to the defendant, and the defendant understands each of them.
2. The defendant understands the nature of the crimes and allegations listed in item 1 (on page 1) and the consequences of the plea and any admissions.
3. The defendant expressly, knowingly, understandingly, and intelligently waives the constitutional and statutory rights associated with this plea.
4. The defendant's plea, admissions, and waiver of rights are made freely and voluntarily.
5. A factual basis exists for the plea and admissions, or the defendant is pleading under a plea bargain under *People v. West*.

The court accepts the defendant's plea, admissions, and waiver of rights, and the defendant is hereby convicted based thereon.

It is ordered that this document be filed with the court's records of this case and that the defendant's plea, admissions, and waiver of rights be accepted and entered in the minutes of this court.

Date: _____

_____ (SIGNATURE OF JUDICIAL OFFICER)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	<i>FOR COURT USE ONLY</i> DRAFT Not approved by the Judicial Council
PEOPLE OF THE STATE OF CALIFORNIA v. Defendant(s):	
DOMESTIC VIOLENCE PLEA FORM WITH WAIVER OF RIGHTS—MISDEMEANOR	CASE NUMBER:

Instructions:

- Fill out this form only if you want to plead guilty or no contest.
- Read this form carefully. For each item, if you understand and agree with what you read, put your initials in the box to the right of the item. For any item that does not apply to you or that you do not understand, leave the box blank.
- Sign and date the form under "DEFENDANT'S STATEMENT" on page 3.
- Keep in mind that the court cannot give legal advice. If you have an attorney and have questions about anything in this form, ask your attorney.

INITIALS

1. **Charges and Maximum Penalties.** I want to plead guilty or no contest to the charges listed below. I understand that the maximum penalties for the charges to which I am pleading guilty or no contest are listed below.

COUNT	CHARGES (SECTION & DESCRIPTION)	MAXIMUM PENALTY (FINE & JAIL)

2. **Prior Convictions.** I understand that I am also charged with a prior conviction in case number(s):

3. **Probation Violations.** I understand that I am also charged with a violation of probation in case number(s):

4. **Right to an Attorney** (*Leave this box blank if you have an attorney*). I understand that I have the right to an attorney of my choice to represent me throughout the proceedings. If I cannot afford to hire an attorney, the court will appoint one to represent me. **I hereby give up my right to be represented by an attorney.**

5. **Other Constitutional Rights.** I understand that I am entitled to each of the following rights concerning the charges and prior convictions (if any) listed in items 1 and 2 (above):

- a. **Right to a jury trial.** I understand that I have a right to a speedy and public jury trial. At the trial, I would be presumed to be innocent and I could not be convicted unless, after hearing all of the evidence, 12 impartial jurors chosen from the community were convinced beyond a reasonable doubt that I am guilty.
- b. **Right to confront and cross-examine witnesses.** I understand that I have the right to confront and cross-examine all witnesses testifying against me. This means that the prosecution must produce the witnesses in court to testify under oath in my presence and I or my attorney may question them.
- c. **Right to remain silent and not incriminate myself.** I understand that I have the right to remain silent and my silence cannot be considered as evidence against me. I understand that I also have the right not to incriminate myself and I cannot be forced to testify.

PEOPLE OF THE STATE OF CALIFORNIA v. Defendant(s):	CASE NUMBER:
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INITIALS

6. **Rights for Probation Violations** (*Leave this box blank if you are not charged with a probation violation*). I understand that I have all the constitutional rights listed above for all probation violations charged against me, except that I do not have a right to a jury trial, only a court hearing before a judge.
7. **Consequences of My Plea**
- a. **No contest plea.** I understand that a no contest plea has the same effect as a guilty plea except that it cannot be used against me in a civil case that derives from an act on which this prosecution is based unless the offense is punishable as a felony.
- b. **Effect of conviction on other cases.** I understand that a conviction in this case may be used to increase my punishment for future domestic violence convictions and may constitute a violation of any other current grant of parole or probation, which may result in additional punishment.
- c. **Mandatory minimum conditions of probation.** I understand that if I am granted probation, the terms and conditions will include *at least* all of the following (see Pen. Code, § 1203.097):
- (1) A minimum of either 36 months (3 years) or 48 months (4 years) of probation;
 - (2) A criminal court protective order that may include residence exclusion or stay-away conditions;
 - (3) Booking within one week of sentencing if I have not already been booked;
 - (4) Several statutory fines, fees, and assessments, including a domestic violence fee, restitution fine, probation revocation fine (stayed), criminal conviction assessment, and court security fee;
 - (5) Successful completion of an appropriate batterer's treatment program lasting at least 52 weeks;
 - (6) Community service;
 - (7) Restitution to the victim (if applicable);
 - (8) Other:
- d. **Effect of future probation violation.** I understand that if I violate any of the terms or conditions of probation, I may be returned to court and sentenced up to the maximum punishment on each charge as indicated in item 1.
- e. **Immigration consequences.** I understand that if I am not a citizen of the United States, my plea of guilty or no contest may result in my deportation, exclusion from admission to the United States, or denial of naturalization under the laws of the United States.
- f. **Firearm, firearm parts, ammunition prohibition.** I understand that a conviction in this case may prohibit me from owning, using, or possessing firearms, firearm parts (receiver, frame, or unfinished receiver or frame, as defined in Penal Code section 16531) and ammunition within 10 years under Penal Code sections 29805 and 30305.
- g. **Child custody consequences.** I understand that a conviction in this case may result in a rebuttable presumption that an award of sole or joint physical or legal custody of a child is detrimental to the best interest of the child under Family Code section 3044.
- h. **Other consequences (specify):**
8. **Before the Plea**
- a. **Discussion with my attorney** (*Leave this box blank if you are not represented by an attorney*). Before entering this plea, I have had a full opportunity to discuss with my attorney the facts of the case, the elements of the charged offenses and prior convictions (if any), any defenses that I may have, my constitutional and statutory rights and waiver of those rights, the consequences of this plea, and anything else I think is important to my case.
- b. **Questions.** I have no further questions for the court or for my attorney with regard to my plea and admissions in this case or any of my rights or anything else on this form.
9. **Waiver of Constitutional Rights.** For each of the charges, prior convictions (if any), and probation violations (if any) listed in items 1, 2, and 3, I give up my right to a jury trial, my right to a court hearing, my right to confront and cross-examine witnesses, and my right to remain silent and not to incriminate myself. I understand that I am, in fact, incriminating myself with my plea.
10. **The Plea (check one).** I freely and voluntarily plead GUILTY NO CONTEST to the charges listed in item 1. I offer my plea with full understanding of everything in this form. No one has made any threats; used any force against me, my family, or loved ones; or made any promises to me, except as listed in this form, in order to convince me to plead guilty or no contest.

PEOPLE OF THE STATE OF CALIFORNIA v. Defendant(s):	CASE NUMBER:
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- | | |
|---|--|
| 11. Prior Convictions. I freely and voluntarily admit the prior convictions (if any) listed in item 2, and I understand that this admission may increase the penalties that are imposed on me. | INITIALS
<input style="width: 100%; height: 20px;" type="text"/> |
| 12. Probation Violations. I freely and voluntarily admit the probation violations (if any) listed in item 3. | <input style="width: 100%; height: 20px;" type="text"/> |
| 13. Sentencing. I understand that I have a right to delay my sentencing at least 6 hours and as long as 5 days after my plea. I give up this right and agree to be sentenced at this time. | <input style="width: 100%; height: 20px;" type="text"/> |

DEFENDANT'S STATEMENT

I have read or have had read to me this form and have initialed each of the items that applies to my case. If I have an attorney, I have discussed each item with my attorney. By putting my initials next to the items in this form, I am indicating that I understand and agree with what is stated in each item that I have initialed. The nature of the charges, possible defenses, and the effects of any prior convictions and probation violations have been explained to me. I understand each of the rights outlined above and I give up each of them to enter my plea.

Date: _____

(TYPE OR PRINT NAME)	SIGNATURE OF DEFENDANT
----------------------	------------------------

ATTORNEY'S STATEMENT

I am the attorney of record for the defendant. I have reviewed this form with my client. I have explained each of the items in the form, including the defendant's constitutional and statutory rights, to the defendant and have answered all of his or her questions with regard to those rights, the other items in this form, and the plea agreement. I have also discussed the facts of the case with the defendant and have explained the nature and elements of each charge, any possible defenses to the charges, the effect of any prior convictions and probation violations, and the consequences of the plea.

Date: _____

(TYPE OR PRINT NAME)	SIGNATURE OF ATTORNEY
----------------------	-----------------------

INTERPRETER'S STATEMENT

I, having been duly sworn or having a written oath on file, certify that I truly translated this form to the defendant in the language noted below.

Language: Spanish Other (specify):

Date: _____

(TYPE OR PRINT NAME)	(CERTIFICATION NUMBER)
SIGNATURE OF INTERPRETER	

COURT'S FINDINGS AND ORDER

The court, having reviewed this form and having orally examined the defendant, finds that (a) the defendant has read or been read and understands each of the initialed items on this form; (b) the defendant understands the nature of the crimes and allegations listed in items 1, 2, and 3 and the consequences of the plea and any admissions; (c) the defendant expressly, knowingly, understandingly, and intelligently waives his or her constitutional and statutory rights; and (d) the defendant's plea, admissions, and waiver of rights are made freely and voluntarily.

The court accepts the defendant's plea, admissions, and waiver of rights, and the defendant is hereby convicted based thereon.

It is ordered that this document be filed with the court's records of this case and that the defendant's plea, admissions, and waiver of rights be accepted and entered in the minutes of this court.

Date: _____

SIGNATURE OF JUDICIAL OFFICER

SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	<i>FOR COURT USE ONLY</i> DRAFT Not approved by the Judicial Council
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:	CASE NUMBER:
PROHIBITED PERSONS RELINQUISHMENT FORM FINDINGS (Pen. Code, § 29810(c))	<i>FOR COURT USE ONLY</i> Date: Time: Department:

Any reference to "firearm" throughout this form includes receivers, frames, or unfinished receivers or frames, as defined in Penal Code section 16531. The defendant is prohibited from owning, purchasing, receiving, possessing, or having under his or her custody any firearms, ammunition, and ammunition feeding devices, including but not limited to magazines, and shall relinquish all firearms and firearm parts under Penal Code section 29810.

The court finds as follows:

Compliance:

1. Defendant has completed a Prohibited Persons Relinquishment Form; and
 - a. Defendant relinquished all firearms and firearm parts per the probation officer's report and provided relinquishment receipts; or
 - b. Defendant was allowed an alternative method of relinquishment under Penal Code section 29810(f) and relinquished all firearms and firearm parts under an alternative method.

4. Defendant has no reportable firearms per the probation officer's report.

Non - compliance:

5. Defendant has not completed a Prohibited Persons Relinquishment Form.
6. Defendant has not complied with the relinquishment requirements of Penal Code section 29810.
7. Search warrant required; matter referred to the prosecuting agency of the county for appropriate action.

(DATE)

(SIGNATURE OF JUDICIAL OFFICER)

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee Meeting Date: 9/22/22

Rules Committee action requested [Choose from drop down menu below]:
Circulate for comment (out of cycle)

Title of proposal: Criminal Procedure: Request for Dismissal of Conviction for Violation of Penal Code Section 653.22

Proposed rules, forms, or standards (include amend/revise/adopt/approve):
Approve forms CR-425 and CR-426

Committee or other entity submitting the proposal:
Criminal Law Advisory Committee

Staff contact (name, phone and e-mail): Sarah Fleischer-Ihn, 5-7702, sarah.fleischer-ihn@jud.ca.gov

Identify project(s) on the committee's annual agenda that is the basis for this item:

Annual agenda approved by Rules Committee on (date): 9/6/22

Project description from annual agenda: Develop a proposal for new forms to implement Penal Code section 653.29, which allows record cleaning relief for persons with convictions for repealed Penal Code section 653.22, loitering with intent to commit prostitution. Penal Code section 653.29(f) requires the Judicial Council to "promulgate and make available all necessary forms to enable the filing of petitions and applications provided in this section."

Out of Cycle: *If requesting September 1 effective date or out of cycle, explain why:*

This is an out of cycle circulation for a Jan 1 effective date. The enacting legislation will go into effect on Jan 1, 2023.

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any relevant information not contained in the attached summary.)

Additional Information for JC Staff (provide with reports to be submitted to JC):

- **Form Translations** (check all that apply)

This proposal:

- includes forms that have been translated.
- includes forms or content that are required by statute to be translated. Provide the code section that mandates translation: [Click or tap here to enter text.](#)
- includes forms that staff will request be translated.

- **Form Descriptions** (for any proposal with new or revised forms)

The forms in this proposal will require new or revised form descriptions on the JC forms webpage. (If this is checked, the form descriptions should be approved by a supervisor before submitting this RAR.).

- **Self-Help Website** (check if applicable)

This proposal may require changes or additions to self-help web content.

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INVITATION TO COMMENT ITC SP22-13

Title

Criminal Procedure: Request for Dismissal of Conviction for Violation of Penal Code Section 653.22

Proposed Rules, Forms, Standards, or Statutes

Approve forms CR-425 and CR-426

Proposed by

Criminal Law Advisory Committee
Hon. Brian M. Hoffstadt, Chair

Action Requested

Review and submit comments by October 11, 2022

Proposed Effective Date

January 1, 2023

Contact

Sarah Fleischer-Ihn, 415-865-7702

Sarah.Fleischer-Ihn@jud.ca.gov

Executive Summary and Origin

The Criminal Law Advisory Committee recommends two optional forms relating to resentencing, dismissal, and sealing of Penal Code section 653.22 convictions. Senate Bill 357 (Weiner; Stats. 2022, ch. 86), effective January 1, 2023, repeals Penal Code section 653.22 (loitering with the intent to commit prostitution) and adds Penal Code section 653.29, which outlines the process for resentencing, dismissal, and sealing of section 653.22 convictions. Penal Code section 653.29(f) specifically instructs the Judicial Council to “promulgate and make available all necessary forms to enable the filing of petitions and applications provided in this section.” The proposal includes a request for relief and a court order granting or denying relief.

Background

Effective January 1, 2023, SB 357 repealed Penal Code section 653.22 and added Penal Code section 653.29, authorizing conviction relief for persons convicted of a violation of former Penal Code section 653.22.

Under section 653.29(a), a person currently serving a sentence for a conviction of violating former section 653.22 may petition for recall or dismissal of a sentence before the trial court that entered the judgment of conviction. The court must presume the petitioner qualifies for relief, unless the opposing party proves by clear and convincing evidence that the petitioner is ineligible. If the petitioner was convicted of violating former section 653.22, the court must grant the petition to recall or dismiss the sentence because it is legally invalid and shall seal the conviction.

This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee. It is circulated for comment purposes only.

Under section 653.29(b), a person who has completed a sentence for a conviction of violating former section 653.22 may file an application before the trial court that entered the judgment of conviction to have the conviction dismissed and sealed because it is legally invalid. The court must presume the applicant qualifies for relief, unless the opposing party proves by clear and convincing evidence that the applicant is ineligible. If the applicant was convicted of violating former section 653.22, the court must dismiss and seal the conviction as legally invalid. Unless requested by the applicant, no hearing is necessary to grant or deny an application by a person who has completed a sentence.

The Proposal

This proposal recommends approval of a form requesting resentencing and dismissal (form CR-425) and a court order granting or denying relief (form CR-426).

Petition/Application

Optional *Request for Resentencing and Dismissal (Pen. Code, § 653.29)* (form CR-425) may be used by persons currently serving a sentence or having completed a sentence. The forms are drafted in the first person so that they are easy to follow for self-represented petitioners and applicants. The form incorporates the statutory basis for relief under section 653.29 and allows the petitioner or applicant to:

- Identify an eligible conviction;
- Request the desired relief;
- Waive appearance at a hearing (for persons currently serving a sentence);
- Request a hearing (for persons who have completed a sentence); and
- Waive the statutory requirement under section 653.29(a)(1) and (b)(1) that the matter be heard by the sentencing judge.

Order

Optional *Order After Request for Resentencing and Dismissal (Pen. Code, § 653.29)* (form CR-426) provides the court with the ability to:

- Grant or deny the requested relief; and
- When applicable, to resentence the petitioner/applicant on remaining counts.

Alternatives Considered

The committee did not consider the alternative of taking no action, because the new law mandates that the council “promulgate and make available all necessary forms to enable the filing of the petitions and applications provided in this section.” (Pen. Code, § 653.29(f).)

Fiscal and Operational Impacts

Any impacts will arise from the new statutory provisions, rather than council action. It is anticipated that the volume of petitions/applications for relief under section 653.29 will be

minimal and will not impose significant workload burdens on courts. Expected costs are limited to training, possible case management system updates, and the production of new forms.

Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?

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

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would 1 month from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Forms CR-425 and CR-426, at pages 4–5
2. SB 357 (Stats. 2022, ch. 86),
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB357

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PEOPLE OF THE STATE OF CALIFORNIA <p style="text-align: center;">v.</p> DEFENDANT:	CASE NUMBER:
REQUEST FOR RESENTENCING AND DISMISSAL (Pen. Code, § 653.29)	FOR COURT USE ONLY DATE: TIME: DEPT:

1. CONVICTION INFORMATION

- a. My name is:
- b. I was convicted of a violation of Penal Code section 653.22 in this case.

2. REQUEST (check one)

- a. PETITION: I am currently serving a sentence in this case and request the court that entered the judgment of conviction in this case to recall or dismiss the sentence and seal the conviction.
 - (1) *Optional Waiver*: I understand there is a right to personally attend any hearing held in this matter. I give up that right so that the request may be heard without my presence.

OR

- b. APPLICATION: I have completed the sentence in this case and request the court that entered judgment of conviction in this case to dismiss and seal the conviction.
 - (1) I understand that the court can rule on the request without a hearing. I want do not want a hearing.

3. CONSENT TO HEARING BY ANY JUDGE

I waive the right to have this matter heard by the judge who sentenced me in this case.

Date:

(TYPE OR PRINT NAME)

▶

(SIGNATURE OF PETITIONER/APPLICANT OR ATTORNEY)

Proof of Service (form CR-106) may be used to provide proof of service of this petition.

ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NO.: _____ NAME: FIRM NAME: STREET ADDRESS: CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ EMAIL ADDRESS: ATTORNEY FOR (name): _____	<i>FOR COURT USE ONLY</i> DRAFT Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:	CASE NUMBER:
ORDER AFTER REQUEST FOR RESENTENCING AND DISMISSAL (Pen. Code, § 653.29)	<i>FOR COURT USE ONLY</i> DATE: TIME: DEPT:

Based on request filed in this matter, the records of the court, and any other evidence presented in this matter, the court finds as follows:

1. PETITION FOR RECALL AND DISMISSAL

- a. The petitioner is eligible for the requested relief. The petition is **GRANTED**. The court recalls the sentence for the convictions in this case and enters the following additional orders:
 - (1) Refer to the court minute order from (date):
 - OR (Check all that apply):**
 - (2) The court **DISMISSES** the conviction for a violation of Penal Code section 653.22 as legally invalid and orders the conviction sealed. The sentence for the remaining convictions is as follows:
 - (3) The petitioner is given credit for time served of: _____ days.
 - (4) Petitioner is required to complete the period of supervision imposed as a condition of parole, postrelease community supervision, mandatory supervision, or probation.
- b. The court releases the petitioner from any form of supervision.
- c. The court **DISMISSES** the conviction for a violation of Penal Code section 653.22 as legally invalid and orders the conviction sealed.
- d. Other:
- e. The petition is **DENIED**. The petitioner is ineligible for the requested relief.

2. APPLICATION FOR DISMISSAL OF A COMPLETED SENTENCE

- a. The applicant is eligible for the requested relief. The application is **GRANTED**. The court **DISMISSES** the conviction for a violation of Penal Code section 653.22 as legally invalid and orders the conviction sealed.
- b. The petitioner was also convicted of a violation of (other counts): _____ on (date): _____ in the above captioned case. The conviction for a violation of (other counts): _____ on (date): _____ remains.
- c. Other:
- d. The application is **DENIED**. The applicant is ineligible for the requested relief.

IT IS SO ORDERED.

Date: _____

JUDICIAL OFFICER

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee Meeting Date: September 22, 2022

Rules Committee action requested [Choose from drop down menu below]:
Circulate for comment (out of cycle)

Title of proposal: Juvenile Law: Secure Youth Treatment Facility Offense-Based Classification Matrix

Proposed rules, forms, or standards (include amend/revise/adopt/approve):
Adopt Cal. Rules of Court, rule 5.806

Committee or other entity submitting the proposal:
Family and Juvenile Law Advisory Committee
Hon. Stephanie E. Hulseley, Cochair
Hon. Amy M. Pellman, Cochair

Staff contact (name, phone and e-mail): Tracy Kenny, 916-263-2838

Identify project(s) on the committee's annual agenda that is the basis for this item:

Annual agenda approved by Rules Committee on (date): November 2, 2021

Project description from annual agenda: Secure Youth Treatment Facility (SYTF) Offense Classification Matrix
Division of Juvenile Justice (DJJ) Realignment Trailer Bill (SB 92) requires the Judicial Council by July 1, 2023 to develop and adopt an offense classification matrix to be used by juvenile court judges when committing wards to secure youth treatment facilities. The statute requires that the council be advised by "a working group of stakeholders, which shall include representatives from prosecution, defense, probation, behavioral health, youth service providers, youth formerly incarcerated in the Division of Juvenile Justice, and youth advocacy and other stakeholders and organizations having relevant expertise or information on dispositions and sentencing of youth in the juvenile justice system." This working group would be charged with developing the matrix, circulating it for public comment, and then bringing its final product to the committee before it is submitted to the council for final approval.

Out of Cycle: *If requesting September 1 effective date or out of cycle, explain why:*

The legislation requiring the adoption of the matrix requires it to be in place by July 1, 2023, and required it to be developed by a working group with specified stakeholders who needed to consider an array of information. That working group recently prepared a draft for comment that was approved by the Family and Juvenile Law Advisory Committee. To get the proposal to the JC for its March meeting and ensure that there is a 45 day comment period, it needs to be circulated in a special cycle which will also provide some warning to the courts and other stakeholders so that they can implement the new requirements by July 1, 2023.

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any relevant information not contained in the attached summary.)

Additional Information for JC Staff (provide with reports to be submitted to JC):

- **Form Translations** (check all that apply)

This proposal:

- includes forms that have been translated.
- includes forms or content that are required by statute to be translated. Provide the code section that mandates translation: [Click or tap here to enter text.](#)
- includes forms that staff will request be translated.

- **Form Descriptions** (for any proposal with new or revised forms)

The forms in this proposal will require new or revised form descriptions on the JC forms webpage. (If this is checked, the form descriptions should be approved by a supervisor before submitting this RAR.)

- **Self-Help Website** (check if applicable)
 - This proposal may require changes or additions to self-help web content.

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INVITATION TO COMMENT SP22-14

Title	Action Requested
Juvenile Law: Secure Youth Treatment Facility Offense-Based Classification Matrix	Review and submit comments by November 4, 2022
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Adopt Cal. Rules of Court, rule 5.806	July 1, 2023
Proposed by	Contact
Family and Juvenile Law Advisory Committee Hon. Stephanie E. Hulse, Cochair Hon. Amy M. Pellman, Cochair	Tracy Kenny, 916-263-2838 tracy.kenny@jud.ca.gov

Executive Summary and Origin

The Family and Juvenile Law Advisory Committee proposes that the Judicial Council adopt a rule of court to implement Welfare and Institutions Code section 875(h), which requires the council to develop and adopt a matrix of offense-based classifications to be used by all juvenile courts when setting baseline terms for youth whose disposition is a commitment to a Secure Youth Treatment Facility (SYTF). The statute calls for the matrix to assign a baseline term of years to each offense for which a youth can be committed to an SYTF. The offenses are to be grouped into offense categories that are linked to a standard baseline term of years for each offense category. The statute was recently amended to allow the standard term to be a range of years as designated by the council. The proposed matrix in the rule would include four total offense categories, and each category is assigned a range of years as the standard baseline term. To assist the court in determining a baseline term for each youth within the range, the rule sets forth criteria for the court to weigh in making its decision.

Background

Realignment of the Division of Juvenile Justice

In 2020, the Governor and the Legislature reached agreement on a framework to close the Division of Juvenile Justice (DJJ) and reallocate funding to counties to allow them to meet the needs of youth who would previously have been committed to the DJJ in local or regional programs. The details of this framework were spelled out in detail in Senate Bill 92 (Stats. 2021,

This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee. It is circulated for comment purposes only.

ch. 18), which was enacted in May of 2021. Senate Bill 92 adds a new article, Secure Youth Treatment Facilities, to the Welfare and Institutions Code which sets forth a new dispositional option for juveniles ages 14 and over who are adjudicated for a Welfare and Institutions Code section 707(b) offense and for whom a less restrictive alternative disposition is unsuitable. If a court commits a youth to an SYTF, it must set a baseline term of commitment that must “represent the time in custody necessary to meet the developmental and treatment needs of the ward and to prepare the ward for discharge to a period of probation supervision in the community.”¹ This term is to be based on an offense-based classification matrix to be developed and adopted by the Judicial Council by July 1, 2023. In the interim, the baseline term is governed by the discharge consideration guidelines that apply to the DJJ, which can be found in California Code of Regulations, title 9, sections 30807 through 30813.

SYTF Offense-Based Classification Matrix Working Group

Senate Bill 92 specified that in developing the matrix, the council would be advised by a working group of stakeholders to include “representatives from prosecution, defense, probation, behavioral health, youth service providers, youth formerly incarcerated in the Division of Juvenile Justice, and youth advocacy and other stakeholders and organizations having relevant expertise or information on dispositions and sentencing of youth in the juvenile justice system.”² To fulfill this requirement, the Judicial Council’s Family and Juvenile Law Advisory Committee established a subcommittee to perform this task, and solicited nominations from the public. On November 2, 2021, the Chief Justice appointed the members of the SYTF Offense-Based Classification Matrix Working Group (hereafter the working group) and they began meeting in mid-December of 2021.³

The statute directed that the council take into account the following in its development process: “youth sentencing and length-of-stay guidelines or practices adopted by other states or recommended by organizations, academic institutions, or individuals having expertise or having conducted relevant research on dispositions and sentencing of youth in the juvenile justice system.”⁴ The working group held numerous meetings ensuring that it was informed by all of these sources before beginning work in earnest on developing the proposed matrix, hearing from another state juvenile justice agency that recently implemented a similar matrix after conducting a review of their data, a professor with expertise on length of stay and juvenile recidivism, as well as from leadership at the DJJ and from California probation departments. The working group also discussed how the proposed matrix relates to the goals, structure and implementation of the 2020-21 DJJ realignment legislation including the potential impact of the matrix on

¹ Welf. & Inst. Code, § 875(b).

² Welf. & Inst. Code, § 875(h)(1).

³ Secure Youth Treatment Facility Offense-Based Classification Matrix Working Group Roster at <https://www.courts.ca.gov/documents/SYTF-Roster-external.pdf>

⁴ Welf. & Inst. Code, § 875(h)(1).

prosecutor decisions to maintain juvenile jurisdiction under the SYTF sentencing structure or to pursue transfer of the case to adult criminal court.

After the information-gathering phase was completed, the working group proceeded with the development of the matrix itself, beginning with a set of objectives designed to guide the rest of the process. The working group settled on three primary objectives for the matrix, as well as the following explanations of those objectives:

Positive Youth Development

A primary objective of a commitment to an SYTF must be an evidence-based and trauma-responsive effort to promote healthy adolescent development by providing positive incentives for long-term prosocial behavior, and targeting the treatment needs of the youth to ensure healing and rehabilitation. The ultimate goal of an SYTF commitment is to provide an enduring foundation to support successful reentry into the community, emphasizing family and community connections with extended support at the time of release from the SYTF.⁵

Public and Community Safety

An SYTF commitment is only permissible when community safety and rehabilitation of the youth cannot be accomplished with a less restrictive disposition; thus, protecting the public and the community is a central objective of the matrix. To accomplish this goal, use of the matrix helps ensure that the term of commitment is no longer than necessary to protect the public, by working to prevent the likelihood that the youth will reoffend, but is of sufficient length to assure the victim and the community that the harm committed can be redressed by the juvenile justice system in a developmentally appropriate manner and thus reduce the need for the youth to be transferred to criminal court.

Flexible and Fair Terms of Commitment

A baseline term should be based on the needs of the individual being committed, and not simply the seriousness of the offense for which the youth was adjudicated. Evidence demonstrates that recidivism rates are lower when the treatment offered by the juvenile justice system can address the unique strengths and needs of individual youth, rather than focused on the nature of the offense. The matrix provides flexibility for the court and positive incentives for the youth to reduce the baseline term. This flexibility is intended to meet the statutory mandate “to represent the time in custody necessary to meet the developmental and treatment needs of the ward and to prepare the ward for discharge to a period of probation supervision in the community.”⁶ This individualized approach must be balanced with the goal of the fair and just application of the matrix across California

⁵ The committee acknowledges that many counties are using juvenile hall facilities as SYTF's, but the issue of whether or not a particular juvenile facility does or does not support positive youth development is outside the scope of the charge given to this committee.

⁶ Welf. & Inst. Code, § 875(b).

jurisdictions and an awareness that racial and ethnic disproportionality has been a failing of our juvenile justice system that all stakeholders must seek to remedy at each decision point.⁷

With these objectives in mind, the working group held a series of meetings, informed by a series of surveys of working group members, to determine the number of categories needed, assign each of the 707(b) offenses to those categories, and then assign the baseline term ranges to the categories. The working group reached consensus early on that it would be preferable to provide the court with a range of years from which a baseline term could be selected to ensure that the key matrix objectives could be achieved. In addition, the working group reached consensus that implementing such an approach would require the court to exercise some structured discretion in selecting the baseline term, and thus the proposed rule sets forth some basic criteria to be evaluated by the court in setting the term.

The Proposal

The Family and Juvenile Law Advisory Committee proposes the adoption of a new rule of court, rule 5.806, to include the statutorily required matrix and to guide the court in applying the matrix to set a baseline term for any youth committed to an SYTF.

Setting the baseline term

The proposed rule directs the court when setting the baseline term to apply the range set forth in the matrix for the category under which the commitment offense falls and then to assign a specific term to each youth based on the court's review and consideration of four criteria. An analysis of these criteria will provide a basis for the court to more effectively accomplish the statutorily mandated goal that the term "represent the time in custody necessary to meet the developmental and treatment needs of the ward and to prepare the ward for discharge to a period of probation supervision in the community."⁸ To assist the court in applying the criteria, the rule includes a set of non-exclusive factors that the court may take into consideration in its review of each criterion.

Circumstances and gravity of the offense

The first criterion for the court to evaluate is the specific facts of the offense that resulted in the youth's commitment to the SYTF. Unlike the DJJ regulations that currently govern the expected length of stay in an SYTF, the proposed matrix does not put the same offense in different categories depending on the facts of the offense (e.g., whether a firearm was used or the degree of harm to the victim). Instead, the breadth of the ranges allows the court to look at all of the specific offense factors in assessing the gravity of the offense in relationship to the appropriate baseline term. Specific proposed factors that the court is encouraged to consider include the

⁷ The committee notes that these objectives which the matrix is designed to advance cannot be accomplished for youth committed to an SYTF by the matrix alone.

⁸ Welf. & Inst. Code, § 875(b).

severity of the offense, the extent of harm to the victims, the role of the youth and any co-participants, and any exculpatory circumstances.

Youth’s history in the juvenile justice system

SYTF commitments are reserved for youth who were at least 14 when the offense was committed and who cannot be served in a less restrictive setting. Typically, such youth have prior history in the juvenile justice system and have continued to violate the law despite less restrictive interventions. This criterion directs the court to evaluate any such prior history and suggests that it weigh factors including prior offense history, the success of prior rehabilitative efforts, and the environmental and family system factors that may have influenced the youth’s prior involvement in the juvenile justice system.

Confinement time necessary to rehabilitate the youth

This criterion directly reflects the statutory language on the baseline term and ensures that the commitment is focused on the individual rehabilitation of the youth. The factors that the court should focus on include the services that the youth has already received and the treatment the court anticipates the youth will need in the SYTF, as well as the youth’s specific circumstances and characteristics that may influence the time needed to be rehabilitated, such as specific mental health or substance abuse needs or being pregnant or currently parenting a child.

Youth’s developmental history

This criterion calls on the court to consider the maturity of the youth as well as their exposure to trauma (including involvement in the child welfare system) and its impact on the youth’s development and maturity. This criterion takes into account the significant role that developmental immaturity plays in influencing antisocial behavior in youth and the objective that the SYTF promote prosocial positive youth development as the key factor in preventing recidivism when the youth is returned to the community.

Adjusting the baseline term at the progress review hearings

Welfare and Institutions Code section 875 provides that the court review the progress of each youth committed to an SYTF at least every six months, and that at each hearing the court may reduce the youth’s baseline term by up to six months. The statute also provides that the matrix may provide for positive incentives for youth. The proposed rule would incorporate positive incentives into this progress review process by requiring the probation agency to track the youth’s positive behavior in a systematic way and to report on those results at the progress review hearing, as well as to make a recommendation to the court on any reduction in the baseline term that should be ordered based on the youth’s behavior.⁹ The working group proposed this approach to positive incentives because it incorporates the evidence-based practice

⁹ The council has broad rulemaking authority in juvenile matters pursuant to Welfare and Institutions Code section 265 which allows the council to make rules governing practice and procedure that are not inconsistent with the law. Given the authority in section 875 for the council to include positive incentives in the matrix, and the general authority given to juvenile courts to order the probation officer to investigate any juvenile matter and make a report with a written recommendation in Welfare and Institutions section 281, the committee deemed this directive to probation to be within the council’s purview in implementing the intent of the matrix provisions in section 875.

of positive behavioral incentives in a manner that allows each SYTF program the flexibility needed to implement a specific behavioral incentive structure.

The offense-based classification matrix

Subdivision (d) of the proposed rule contains the matrix that is required by the statute. It divides the 30 listed offenses in Welfare and Institutions Code section 707(b) into four categories, A through D, and assigns each category a range of baseline terms from which the court can select a specific term for each commitment. Category A contains only murder, for which the range of baseline terms is 4 to 7 years. Thus, for a youth committed to an SYTF for murder, the court would need to select a baseline term of at least 4 and no more than 7 years. Category B contains the most serious sex offenses, the kidnapping offenses, attempted murder and voluntary manslaughter, as well as mayhem and torture, and has a range of 3 to 5 years. Category C contains many of the most commonly adjudicated 707(b) offenses including arson, robbery, serious assaults, and carjacking and has a range of 2 to 4 years. Category D has only two offenses, the one controlled substance offense in section 707(b) and witness intimidation and has a range of 1 to 2 years.

The committee intentionally created ranges with some overlap in recognition of the great variety of variables and factors present for each youth and their committing offenses. The proposed matrix ensures that there will be adequate time to provide rehabilitative services to the youth and protect community safety, while also providing ample opportunities for the youth to demonstrate positive development and to have the baseline term reduced at the six-month progress review hearings. Offenses were grouped based on their underlying severity as well as an estimate of the level of programming needed to address the behavior, with the ranges providing a level of flexibility that ensures that the matrix can be applied to each youth fairly, taking into account their specific needs and the risks that they pose to the community.

Advisory committee comment

The committee has included an advisory committee comment that sets forth a summary of the objectives for the matrix that the working group developed to guide its work. The committee is including the comment to provide additional context to courts when selecting a baseline term that highlights for the court of the objectives that the matrix—and the baseline terms that it generates—are designed to achieve. In addition, it makes clear that the factors and criteria are designed to be applied to accomplish the statutory objective, and that factors outside the control of the youth should not result in a longer baseline term.

Alternatives Considered

Development of a dispositional matrix for juvenile commitments is a novel task for California. There were few comparable models from other states, so the working group spent considerable time discussing alternative approaches to this proposal. One of the threshold issues was whether the matrix should provide for just one baseline term for each category, like the current regulations that apply to DJJ commitments, or if more flexibility was preferred. The working group had strong consensus that a more flexible approach is best suited to address individual

case circumstances and to determine the appropriate baseline term for each youth. This was seen as preferable to applying a fixed term of years for each offense category subject to deviations up or down. The working group had some concern that the range, while optimal to accomplish the objectives of the matrix, might run afoul of the statutory language in section 875(h), and was happy to see that language amended in recent legislation to expressly authorize the use of ranges in the matrix.¹⁰

Similarly, the working group considered adopting risk and needs assessments into the matrix to provide for longer terms for higher risk youth and lower terms for those with lower risk scores. However, the working group concluded that too many measures of risk and need reinforce racial and ethnic biases and disparities, and that it would be unworkable to require all courts and probation agencies to use one risk assessment tool. Thus, the working group opted instead to require the court to consider the factors in each case when selecting the baseline term for each youth and to articulate its analysis on the record to promote transparency and prevent bias.

The working group also considered whether the matrix should include credits for time served as authorized in the statute but concluded that a separate credit system was not necessary because under current law, pre-commitment confinement time must already be credited against the youth's maximum confinement time. Additionally, the proposed criteria for selecting a term of years within a category range permits the judge to take into account the amount of time the youth has already spent in custody. The working group was mindful that in some cases, youth spend excessive time in pre-disposition detention such that they may be subject to extended time in secure confinement, but noted that recent trailer bill clarifications expressly authorize the court to set a maximum confinement time that is less than the statutorily allowable maximum, and that this provision provides a safety valve to prevent excessive confinement without including day-for-day credits against the baseline term for pre-disposition detention time.

Fiscal and Operational Impacts

Implementation of SB 92 will create new costs, primarily derived from the legislation rather than the matrix. Judges, probation agencies, prosecutors, and defense counsel will need to be trained on the structure and requirements of the proposed rule and matrix. Case management systems may need to be modified to track relevant information. Probation agencies will need to ensure that they are tracking the positive behavior of the youth committed to their SYTF programs and can collect needed information to make a recommendation to the court at each progress review hearing on reductions that should be made to the baseline term as a reward for positive behavior.

¹⁰ Assem. Bill 200 (Committee on Budget; Stats. 2022, ch. 58).

Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?
- Given that Welfare and Institutions section 875 directs that the matrix reflect the expertise of the following stakeholders: “representatives from prosecution, defense, probation, behavioral health, youth service providers, youth formerly incarcerated in the Division of Juvenile Justice, and youth advocacy and other stakeholders and organizations having relevant expertise or information on dispositions and sentencing of youth in the juvenile justice system” the committee is particularly interested in hearing from those stakeholders regarding the extent to which the matrix would further the goals of the juvenile justice realignment legislation, and if it does not, how it might be revised?
- Are the enumerated criteria and factors for the court to consider when setting the baseline term appropriate and relevant, and will they assist the court in making an informed decision?

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

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?

Attachments and Links

1. Cal. Rules of Court, rule 5.806, at pages 9–13
2. Link A: Secure Youth Treatment Facility Offense-Based Classification Matrix Working Group Roster
<https://www.courts.ca.gov/documents/SYTF-Roster-external.pdf>
3. Link B: Welfare and Institutions Code section 875,
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=875.&lawCode=WIC

Rule 5.806 of the California Rules of Court would be adopted, effective July 1, 2023, to read:

1 **Rule 5.806. Secure youth treatment facility baseline term**

2
3 **(a) Category for baseline term based on most serious recent offense**

4
5 If the court orders the youth committed to a secure youth treatment facility, the
6 court must set a baseline term of months, years, or months and years falling within
7 the range for the offense category, based on the most serious recent offense that is
8 the basis for the youth's commitment to the secure youth treatment facility, as
9 provided in the matrix contained in (d) of this rule.

10
11 **(b) Selecting the baseline term with the range for the offense category**

12
13 The baseline term must be set by the court based on the individual facts and
14 circumstances of the case. In its selection of the individual baseline term, the court
15 must review and consider each of the criteria listed in paragraphs 1 through 4.
16 When evaluating each of the criteria, the court may give weight to any relevant
17 factor, including but not limited to the factors listed below each one. The court
18 must state its reasons for selecting a particular term on the record, referencing each
19 of the criteria, and any factors the court deemed relevant.

20
21 (1) *The circumstances and gravity of the commitment offense.*

- 22
23 (A) The severity and statutory degree of the offense for which the youth has
24 been committed to the secure youth treatment facility;
- 25
26 (B) The extent of harm to victims occurring as a result of the offense;
- 27
28 (C) The role and behavior of the youth in the commission of the offense;
- 29
30 (D) The role of co-participants or victims in relation to the offense; and
- 31
32 (E) Any exculpatory circumstances related to the commission of the
33 offense including peer influence, immaturity or developmental delays,
34 mental or physical impairment, or drug or alcohol impairment.

35
36 (2) *The youth's prior history in the juvenile justice system.*

- 37
38 (A) The youth's offense and commitment history;
- 39
40 (B) The success of prior efforts to rehabilitate the youth; and
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(C) The effects of the youth’s family, community environment, and childhood trauma on the youth’s previous behavior that resulted in contact with the juvenile justice system.

(3) *The confinement time considered reasonable and necessary to achieve the rehabilitation of the youth.*

(A) The amount of time the youth has already spent in custody for the current offense and any progress made by the youth in programming and development;

(B) The capacity of the secure youth treatment facility to provide suitable treatment and education for the youth;

(C) Special needs the youth may have in relation to mental health, intellectual development, academic or learning disability, substance use recovery, and other special needs that must be addressed during the term of confinement;

(D) Whether the youth is pregnant, is a parent, or is a primary caregiver for children; and

(E) The availability of programs and services in the community to which the youth may be transitioned from secure commitment to less restrictive alternatives.

(4) *The youth’s developmental history.*

(A) The age and overall maturity of the youth;

(B) Developmental challenges the youth may have in relation to mental health, intellectual capacity, educational progress or learning disability, or other developmental deficits, including specific medical or health challenges;

(C) The youth’s child welfare and foster care history including abandonment or abuse by parents or caregivers or the incarceration of parents;

(D) Harmful childhood experiences including trauma and exposure to domestic or community violence, poverty, and other harmful experiences; and

1 (E) Discrimination experienced by the ward based on gender, race,
2 ethnicity, sexual orientation, or other factors.

3
4 **(c) Adjusting the baseline term at review hearings**

5
6 As provided in Welfare and Institutions Code section 875(e)(1), the court must
7 review the progress of a youth committed to a secure youth treatment facility at
8 least every six months, and may modify the baseline term downward by up to six
9 months at each hearing. To provide an incentive for each youth to engage
10 productively with the individual rehabilitation plan approved by the court under
11 section 875(b)(1), each probation department operating a secure youth treatment
12 facility must implement a system to track the positive behavior of the youth in a
13 regular and systematic way and report to the court at every progress hearing on the
14 youth's positive behavior, including a recommendation to the court on any
15 downward adjustment that should be made to the baseline term in recognition of
16 the youth's positive behavior and development. In developing this
17 recommendation, the probation department must consult with and report upon the
18 input of all other agencies or entities providing services to the youth.

19
20 **(d) Secure youth treatment facility offense-based classification matrix**

21
22 The court must select a baseline term within the range set for the category that has
23 been assigned to the Welfare and Institutions Code section 707(b) commitment
24 offense as provided in this matrix:
25

Category	Offense (Listed with reference to paragraph within section 707(b))	Term
A	(1) Murder	4 to 7 years
B	(4) Rape with force, violence, or threat of great bodily harm. (5) Sodomy by force, violence, duress, menace, or threat of great bodily harm. (7) Oral copulation by force, violence, duress, menace, or threat of great bodily harm. (8) An offense specified in Penal Code section 289(a) . (9) Kidnapping for ransom. (10) Kidnapping for purposes of robbery. (11) Kidnapping with bodily harm. (12) Attempted murder. (23) Torture, as described in Penal Code sections 206 and 206.1 . (24) Aggravated mayhem, as described in Penal Code section 205 . (26) Kidnapping for purposes of sexual assault, as punishable in Penal Code section 209(b) . (27) Kidnapping, as punishable in Penal Code section 209.5 .	3 to 5 years

	(29) The offense described in Penal Code section 18745 . (30) Voluntary manslaughter, as described in Penal Code section 192(a) .	
C	(2) Arson, as provided in Penal Code section 451(a) or (b). (3) Robbery. (6) A lewd or lascivious act, as provided in Penal Code section 288(b) . (13) Assault with a firearm or destructive device. (14) Assault by any means of force likely to produce great bodily injury. (15) Discharge of a firearm into an inhabited or occupied building. (16) An offense described in Penal Code section 1203.09 . (17) An offense described in Penal Code section 12022.5 or 12022.53 . (18) A felony offense in which the minor personally used a weapon described in any provision listed in Penal Code section 16590 . (21) A violent felony, as defined in Penal Code section 667.5 that also would constitute a felony violation of Penal Code section 186.22(b) . (22) Escape, by the use of force or violence, from a county juvenile hall, home, ranch, camp, or forestry camp in violation of Penal Code section 871(b) if great bodily injury is intentionally inflicted upon an employee of the juvenile facility during the commission of the escape. (25) Carjacking, as described in Penal Code section 215 , while armed with a dangerous or deadly weapon. (28) The offense described in Penal Code section 26100(c) .	2 to 4 years
D	(19) A felony offense described in Penal Code section 136.1 or 137 . (20) Manufacturing, compounding, or selling one-half ounce or more of a salt or solution of a controlled substance specified in Health and Safety Code section 11055(e) .	1 to 2 years

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Advisory Committee Comment

In developing the matrix for baseline terms required by Welfare and Institutions Code section 875, the committee sought to accomplish three primary goals that should serve as objectives for the court when setting a baseline term: positive youth development, public and community safety, and the establishment of flexible and fair commitment terms.

1 A primary objective of a commitment to a secure youth treatment facility must be an evidence-
2 based and trauma-responsive effort to promote healthy adolescent development. This objective
3 will be achieved by providing positive incentives for prosocial behavior, focusing on the
4 treatment needs of the youth to ensure healing and rehabilitation, and with a persistent focus on
5 the end goal of successful reentry into the community. The flexibility inherent in the matrix is
6 intended to result in a baseline term of commitment that is no longer than necessary to protect the
7 public but is of sufficient length to assure the victim and the community that the harm committed
8 can be redressed by the juvenile justice system in a developmentally appropriate manner and thus
9 reduce the need for youth to be transferred to criminal court.

10
11 A baseline term should be based on the needs of the individual being committed and not simply
12 the seriousness of the offense for which the youth was adjudicated. This individualized approach
13 must be balanced with the goal of the fair and just application of the matrix across California
14 jurisdictions and an awareness that racial and ethnic disproportionality has been a failing of our
15 juvenile justice system that all stakeholders must seek to remedy at each decision point.

16
17 When determining the baseline term, the criteria and factors in this rule are designed to assist the
18 court in meeting the statutory objective of a term which is “the time in custody necessary to meet
19 the developmental needs of the ward and to prepare the ward for discharge to a period of
20 probation supervision in the community.” Enumerated factors that are outside the youth’s control
21 should not result in a longer baseline term.

DRAFT

Item 07 (deferred)